

ACTION

COMMITTEE		DATE
M.A.P.C.	Refer	11/16-61 5-3-62
mapc	Refer	12-7-61
mapc	Refer	12-21-61
B.C.C. Board	Approved	Sept 6, 1962
BCC	amended	9-25-62
	Approved	
	Closed	

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING, DEFINITIONS AND OFF-STREET PARKING REGULATIONS AMENDING SECTION I OF ORDINANCE NO. 26-424 OF THE CITY OF WICHITA, KANSAS, AND SECTION 28.04.140, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING SAID ORIGINAL SECTION I OF ORDINANCE NO. 26-424 OF THE CITY OF WICHITA, KANSAS, AND SECTION 28.04.140, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. THAT SECTION I OF ORDINANCE NO. 26-424 OF THE CITY OF WICHITA, KANSAS, BE AMENDED TO READ AS FOLLOWS:

28.04.020 DEFINITIONS. FOR THE PURPOSE OF THIS CHAPTER, CERTAIN TERMS AND WORDS ARE HEREBY DEFINED AS FOLLOWS: WORDS USED IN THE PRESENT TENSE SHALL INCLUDE THE FUTURE; WORDS IN THE SINGULAR NUMBER SHALL INCLUDE THE PLURAL; WORDS IN THE PLURAL SHALL INCLUDE THE SINGULAR NUMBER; THE WORD "BUILDING" SHALL INCLUDE THE WORD "STRUCTURE"; THE WORD "LOT" SHALL INCLUDE THE WORD "PLOT"; THE WORD "SHALL" IS MANDATORY AND NOT DIRECTORY. ANY WORDS DEFINED IN THE BUILDING CODE OF THE CITY AND NOT SPECIFICALLY DEFINED HEREIN SHALL BE CONSTRUED AS DEFINED IN THE BUILDING CODE OF THE CITY. ANY WORD NOT DEFINED HEREIN OR IN THE BUILDING CODE OF THE CITY SHALL HAVE ITS USUAL MEANING.

ACCESSORY STRUCTURE: ANY CONSTRUCTION, PRODUCTION OR PIECE OF WORK BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER AND AFFIXED TO THE LAND OR REAL PROPERTY EXCLUDING POLES, FENCES, WALKS, AND OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS.

ALLEY. A PUBLIC THOROUGHFARE WHICH ORDINARILY AFFORDS ONLY A SECONDARY MEANS OF ACCESS TO ADJUTING PROPERTY AND WHICH IS NOT OVER TWENTY FEET WIDE.

BASEMENT OR CELLAR. A PORTION OF A BUILDING WHICH IS WHOLLY OR PARTLY BELOW GRADE, THE CEILING OF WHICH IS LESS THAN FOUR FEET ABOVE GRADE, WHICH SHALL NOT BE INCLUDED AS A STORY.

BOARDINGHOUSE. A BUILDING OR PLACE WHERE FOR COMPENSATION AND BY PRE-ARRANGEMENT FOR DEFINITE PERIODS, TABLE BOARD IS PROVIDED FOR FIVE OR MORE PERSONS, BUT DOES NOT FURNISH MEALS TO OCCASIONAL OR TRANSIENT CUSTOMERS WITHOUT SUCH PREVIOUS ARRANGEMENT.

BUILDING. A STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS FOR THE SHELTER, SUPPORT OR ENCLOSURE OF PERSONS, ANIMALS OR CHATTELS, AND WHEN SEPARATED BY FIRE WALLS, EACH PORTION OF SUCH BUILDING SO SEPARATED SHALL BE DEEMED A SEPARATE BUILDING.

BUILDINGS, HEIGHT OF. THE VERTICAL DISTANCE FROM THE GRADE TO THE HIGHEST POINT OF THE COPING OF A FLAT ROOF OR TO THE DECK LINE OF A MANSARD ROOF, OR TO THE AVERAGE HEIGHT OF THE HIGHEST GABLE OF A PITCH ROOF, OR THE AVERAGE HEIGHT OF A HIP ROOF.

BUILDING LINE. THE EXTERIOR FACE OF A WALL OF AN EXISTING STRUCTURE OR THE LIMITS TO WHICH AN EXTERIOR FACE OF A WALL OF A PROPOSED STRUCTURE MAY BE BUILT, BUT SHALL NOT INCLUDE THE FACE OF ONE-STORY UNOCCUPIED GABLE-ROOFED AREAS OVER OPEN PORCHES, ENTRANCES OR LIKE APPENDAGES.

CABIN OR TOURIST CAMP. AN AREA CONTAINING ONE OR MORE STRUCTURES DESIGNED OR INTENDED TO BE USED AS TEMPORARY LIVING FACILITIES OF TWO OR MORE FAMILIES AND INTENDED PRIMARILY FOR AUTOMOBILE TRANSIENTS.

CAMP SITE. A PORTION OF THE RENTABLE SPACE OF A CAMP GROUND HAVING AN AREA OF FIVE HUNDRED EIGHTY SQUARE FEET OR MORE AND WHICH IS DIVIDED INTO CAMP SITES AS OUTLINED IN TITLE 26.

COMMISSION. SHALL MEAN THE WICHITA-SEDDWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.

DISTRICT. ANY SECTION OF THE CITY FOR WHICH THE REGULATIONS GOVERNING THE USE OF BUILDINGS AND PREMISES AND THE HEIGHT AND AREA OF BUILDINGS ARE UNIFORM.

DWELLING. ANY BUILDING OR PORTION THEREOF, WHICH IS DESIGNED OR USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES.

ONE FAMILY: A DETACHED BUILDING USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES HAVING SUITABLE ACCOMMODATIONS FOR ONLY ONE FAMILY, WHICH MAY INCLUDE NOT TO EXCEED FOUR LODGERS OR BOARDERS.

TWO FAMILY: A DETACHED BUILDING USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES AND DESIGNED FOR OR OCCUPIED BY TWO FAMILIES LIVING INDEPENDENTLY OF EACH OTHER, EACH OF WHICH MAY INCLUDE NOT TO EXCEED FOUR LODGERS OR BOARDERS.

FOUR FAMILY: A DETACHED BUILDING USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES AND HAVING SUITABLE ACCOMMODATIONS FOR FOUR FAMILIES LIVING INDEPENDENTLY OF EACH OTHER, AND MAY INCLUDE NOT MORE THAN TWO LODGERS OR BOARDERS IN EACH FAMILY.

MULTIPLE: A BUILDING OR PORTION OF A BUILDING HAVING SUITABLE ACCOMMODATIONS FOR THREE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER, WHO MAY OR MAY NOT HAVE JOINT USE OF UTILITIES, HALLS, YARDS, ETC. THE TERM INCLUDES PREMISES OCCUPIED MORE OR LESS PERMANENTLY FOR RESIDENTIAL PURPOSES IN WHICH THE ROOMS ARE OCCUPIED IN APARTMENTS, SUITES OR GROUPS, SUCH AS APARTMENTS, DORMITORIES, LODGING HOUSES, ROOMING HOUSES, AND ALL OTHER DWELLINGS SIMILARLY OCCUPIED. FOR PURPOSES OF THIS ORDINANCE, AUTO COURTS, HOTELS, MOTELS, MOTOR COURTS, MOTOR HOTELS, OR TOURIST COURTS SHALL NOT BE CONSIDERED DWELLINGS.

FAMILY. ONE PERSON LIVING ALONE OR TWO OR MORE PERSONS LIVING TOGETHER, RELATED EITHER BY BIRTH OR MARRIAGE, WHO, TOGETHER WITH THEIR SERVANTS, OCCUPY A SINGLE HOUSEKEEPING UNIT; OR A GROUP OF NOT MORE THAN FOUR UNRELATED PERSONS WHO, WITH THEIR SERVANTS, OCCUPY A SINGLE HOUSEKEEPING UNIT. FAMILY DOES NOT INCLUDE A GROUP OCCUPYING A CLUB, SORORITY OR FRATERNITY HOUSE, ETC.

FILLING STATION. ANY BUILDING OR PREMISES USED SOLELY OR PRINCIPALLY FOR THE STORING, DISPENSING, SALE OR OFFERING FOR SALE AT RETAIL OF ANY AUTOMOTIVE FUELS AND LUBRICANTS AND AUTOMOTIVE ACCESSORIES.

FRONTAGE. THE LENGTH OF THE PROPERTY ABUTTING ON ONE SIDE OF A STREET OR PLACE MEASURED ALONG THE DIVIDING LINE BETWEEN THE PROPERTY AND THE STREET OR PLACE. (FOR DOUBLE FRONTAGE SEE REVERSAL OF LOT FRONTAGE AND LOT OR PLOT, THROUGH.)

GARAGE.

PRIVATE: AN ACCESSORY BUILDING DESIGNED OR USED FOR THE STORAGE OF PRIVATELY-OWNED, MOTOR-DRIVEN VEHICLES, OF WHICH NOT MORE THAN ONE MAY BE A COMMERCIAL MOTOR VEHICLE OF NOT MORE THAN TWO-TONS CAPACITY, AND WITH NO PROVISION FOR REPAIRING OR EQUIPPING SUCH VEHICLES.

PUBLIC: A BUILDING OR PORTION THEREOF USED FOR THE HOUSING OF MOTOR VEHICLES OR WHERE SUCH VEHICLES ARE EQUIPPED FOR OPERATION, REPAIRED OR KEPT FOR RENUMERATION, HIRE OR SALE, NOT INCLUDING EXHIBITION OR SHOWROOMS FOR MODEL CARS.

STORAGE: A BUILDING OR PORTION THEREOF DESIGNED OR USED EXCLUSIVELY FOR HOUSING FOUR OR MORE MOTOR-DRIVEN VEHICLES.

GRADE. ANY WALL APPROXIMATELY PARALLEL TO AND NOT MORE THAN FIVE FEET FROM A STREET LINE IS NOT TO BE CONSIDERED AS ADJOINING THE STREET. WHERE NO SIDEWALK HAS BEEN CONSTRUCTED, THE CITY ENGINEER SHALL ESTABLISH SUCH SIDEWALK OR ITS EQUIVALENT FOR THE PURPOSE OF THESE REGULATIONS.

1. FOR BUILDINGS HAVING WALLS ADJOINING ONE STREET ONLY, IT IS THE ELEVATION OF THE SIDEWALK AT THE CENTER OF THE WALL ADJOINING THE STREET.
2. FOR BUILDINGS HAVING WALLS ADJOINING MORE THAN ONE STREET, IT IS THE AVERAGE OF THE ELEVATION FOR THE SIDEWALKS AT THE CENTERS OF ALL WALLS ADJOINING THE STREETS.
3. FOR BUILDINGS HAVING NO WALL ADJOINING THE STREET, IT IS THE AVERAGE LEVEL OF THE FINISHED SURFACE OF THE GROUND ADJACENT TO THE EXTERIOR WALLS OF THE BUILDING.

GOVERNING BODY. BOARD OF COMMISSIONERS OF THE CITY.

HOME FOR THE AGED: A FACILITY, HOWEVER NAMED, WHICH IS DESIGNED, STAFFED AND EQUIPPED FOR THE CARE OF INDIVIDUALS WHO ARE NOT IN NEED OF HOSPITAL OR NURSING CARE BUT WHO ARE IN NEED OF ASSISTANCE WITH EVERYDAY ACTIVITIES OF LIVING IN A PROTECTED ENVIRONMENT.

HOME OCCUPATION. ANY OCCUPATION OR PROFESSION ENGAGED IN BY THE OCCUPANTS OF A DWELLING, NOT INVOLVING THE CONDUCT OF A RETAIL BUSINESS, MANUFACTURING BUSINESS OR REPAIR BUSINESS OF ANY KIND ON THE PREMISES, AND NOT INCLUDING ANY OCCUPATION CONDUCTED IN ANY BUILDING ON THE PREMISES EXCEPTING THE BUILDING WHICH IS USED BY THE OCCUPANT AS HIS OR HER PRIVATE DWELLING. HOME OCCUPATIONS SHALL INCLUDE, IN GENERAL, PERSONAL SERVICES SUCH AS FURNISHED BY A PHYSICIAN, SURGEON, DENTIST, MUSICIAN, ARTIST, BARBER, BEAUTY OPERATOR AND SEAMSTRESS, WHEN PERFORMED BY THE PERSON OCCUPYING THE BUILDING AS HIS OR HER PRIVATE DWELLING, AND NOT INCLUDING THE EMPLOYMENT OF ANY ADDITIONAL PERSONS IN THE PERFORMANCE OF SUCH SERVICES.

HOTEL. A BUILDING WHICH PROVIDES A COMMON ENTRANCE, LOBBY, HALLS AND STAIRWAYS, AND IN WHICH LODGING IS PROVIDED WITH OR WITHOUT MEALS, TO TRANSIENT GUESTS.

HOUSE CAR. THE TERM "HOUSE CAR" SHALL MEAN AND INCLUDE ANY DWELLING, VEHICULAR IN DESIGN, WHICH MAY BE DRIVEN, TOWED OR PROPELLED FROM ONE LOCATION TO ANOTHER WITHOUT CHANGE IN STRUCTURE OR DESIGN, WHETHER OR NOT THE SAME BE SUPPORTED BY WHEELS AND DESIGNED OR USED AS LIVING OR SLEEPING QUARTERS OF ANY PERSON. THE TERM "HOUSE CAR" SHALL INCLUDE THE STRUCTURE, COMMONLY CALLED TRAILER WHEN SUCH TRAILER IS USED FOR LIVING QUARTERS.

HOUSEKEEPING UNIT. A BUILDING OR A PORTION OF A BUILDING WHICH IS OCCUPIED OR INTENDED TO BE OCCUPIED AS A DWELLING, AND WHICH HAS THE FACILITIES FOR COOKING AND SERVING MEALS AND FOR SLEEPING QUARTERS, AND WHICH MAY OR MAY NOT INCLUDE OTHER ROOMS OR FACILITIES.

LODGINGHOUSE. A BUILDING OR PLACE WHEREIN LODGING IS PROVIDED FOR FIVE OR MORE INDIVIDUALS PURSUANT TO PREVIOUS ARRANGEMENT AND NOT OPEN TO TRANSIENTS.

LOT OR PLOT. A BUILDING SITE OR A PARCEL OF LAND OCCUPIED OR INTENDED TO BE OCCUPIED BY A BUILDING AND ACCESSORY BUILDINGS, AND INCLUDING SUCH OPEN SPACES AS ARE REQUIRED UNDER THIS CHAPTER, AND HAVING ITS PRINCIPAL FRONTAGE UPON A PUBLIC STREET OR OFFICIALLY APPROVED PLACE.

CORNER: A LOT ABUTTING UPON TWO OR MORE STREETS AT THEIR INTERSECTION.

TRIANGULAR: A LOT ABUTTING ON TWO OR MORE STREETS AT THEIR JUNCTION, WHERE THE ANGLE FORMED BY THE INTERSECTING STREETS IS LESS THAN FORTY-FIVE DEGREES.

DEPTH OF: THE MEAN HORIZONTAL DISTANCE BETWEEN THE FRONT AND REAR LOT LINES.

INTERIOR: A LOT OTHER THAN A CORNER LOT OR TRIANGULAR LOT.

THROUGH: AN INTERIOR LOT HAVING FRONTAGE ON TWO STREETS.

LOT FRONTAGE. SEE FRONTAGE.

LOT LINES. THE LINES BOUNDING A LOT AS DEFINED HEREIN.

LOT OF RECORD. A LOT OR PORTIONS OF ONE OR MORE LOTS WHICH ARE A PART OF A SUBDIVISION, THE MAP OF WHICH HAS BEEN RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY, OR A PLOT DESCRIBED BY METES AND BOUNDS, THE DESCRIPTION OF WHICH HAS BEEN RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY.

MOTEL. A GROUP OF ATTACHED OR DETACHED PERMANENT NON-MOBILE BUILDINGS CONTAINING FOUR OR MORE INDIVIDUAL SLEEPING OR SEPARATE LIVING FACILITIES; DESIGNED AND USED FOR THE ACCOMMODATION OF TRANSIENTS OR NON-PERMANENT RESIDENTS. MOTELS SHALL INCLUDE MOTOR COURTS, AUTO COURTS AND CABIN OR TOURIST COURTS BUT SHALL NOT INCLUDE TRAILER CAMPS OR COURTS, CAMP SITES OR MOBILE HOME PARKS, AS DEFINED ELSEWHERE IN THIS CHAPTER.

NON-CONFORMING USE. A BUILDING OR PREMISES LEGALLY OCCUPIED BY A USE THAT DOES NOT CONFORM WITH THE REGULATIONS OF THE DISTRICT IN WHICH IT IS SITUATED AS ESTABLISHED BY THIS CHAPTER OR ANY PRIOR ZONING ORDINANCE.

NURSING HOMES OR CONVALESCENT HOME. A HOME PROVIDING BED CARE OR CHRONIC OR CONVALESCENT CARE FOR PERSONS, EXCLUSIVE OF RELATIVES, WHO BY REASON OF ILLNESS OR PHYSICAL INFIRMITY ARE UNABLE TO CARE PROPERLY FOR THEMSELVES, BUT NOT SERVING OR ADMITTING ALCOHOLICS, DRUG ADDICTS, OR PERSONS WITH MENTAL OR COMMUNICABLE DISEASES; A REGISTERED NURSE ON DUTY AT ALL TIMES, AND WHEREIN THERE IS NO SURGERY OR OTHER SIMILAR ACTIVITIES SUCH AS CUSTOMARILY PROVIDED IN SANITARIUMS AND HOSPITALS.

PARKING LOT. A PARCEL OF LAND DEVOTED TO UNENCLOSED PARKING SPACE, WHICH MAY INCLUDE PARTIALLY ENCLOSED ONE-STORY BUILDINGS.

PARKING SPACE. A SUITABLY SURFACED SPACE EITHER WITHIN OR OUTSIDE OF A BUILDING. THE AREA SHALL NOT BE LESS THAN TWO HUNDRED SQUARE FEET, HAVING A MINIMUM WIDTH OF EIGHT FEET SIX INCHES AND A MINIMUM LENGTH OF EIGHTEEN FEET.

PLACE. AN OPEN UNOCCUPIED SPACE DEDICATED TO PURPOSES OF ACCESS FOR ABUTTING PROPERTY.

PORCH. A ROOFED STRUCTURE PROJECTING FROM A BUILDING AND SEPARATED FROM THE BUILDING BY THE WALLS THEREOF AND HAVING NO ENCLOSING FEATURES EXCEPT ROOF SUPPORTS, RAILING OR SCREEN WIRE.

REVERSAL OF LOT FRONTAGE. LOTS IN ANY BLOCK WHICH ARE PLATTED FACING MORE THAN TWO STREETS SO THAT SOME OF THE PLATTED LOTS HAVE THEIR FRONTAGE APPROXIMATELY AT RIGHT ANGLES TO OTHER PLATTED LOTS IN THE SAME BLOCK SHALL BE CONSTRUED AS HAVING A REVERSAL OF FRONTAGE; PROVIDED, HOWEVER, THAT IF A CORNER LOT ADJOINING LOTS ON EITHER SIDE HAVING THIS REVERSAL OF FRONTAGE IS PLATTED OF SUFFICIENT DEPTH IN BOTH DIMENSIONS TO APPROXIMATELY EQUAL THE DEPTH OF THE LOTS ADJACENT TO EACH OF THE INTERIOR BOUNDARY LINES, BOTH STREET LINES OF SUCH LOT SHALL BE CONSTRUED AS FRONT LINES OF THE LOT AND FRONT YARD REQUIREMENTS SHALL BE REQUIRED ON BOTH STREET FRONTAGES.

SETBACK. THE DISTANCE BETWEEN THE LOT LINE AND THE BUILDING LINE.

SHELTER, FALLOUT. A STRUCTURE OR PORTION OF A STRUCTURE INTENDED TO PROVIDE PROTECTION TO HUMAN LIFE DURING PERIODS OF DANGER TO HUMAN LIFE FROM NUCLEAR FALLOUT, AIR RAIDS, STORMS, OR OTHER EMERGENCIES.

STABLE.

PRIVATE: A BUILDING WITH CAPACITY FOR NOT MORE THAN FOUR HORSES.

PUBLIC: A BUILDING WITH CAPACITY FOR MORE THAN FOUR HORSES.

STREET. A PUBLIC OR PRIVATE THOROUGHFARE MORE THAN TWENTY FEET WIDE WHICH PROVIDES THE PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY FOR PERSONS OR VEHICLES AND PUBLIC UTILITIES.

STREET LINE. THE DIVIDING LINE BETWEEN A LOT, TRACT OR PARCEL OF LAND AND A STREET.

STORY. THAT PORTION OF A BUILDING, OTHER THAN A BASEMENT, INCLUDED BETWEEN THE SURFACE OF ANY FLOOR AND THE SURFACE OF THE FLOOR NEXT ABOVE IT, OR, IF THERE BE NO FLOOR ABOVE IT, THEN THE SPACE BETWEEN THE FLOOR AND THE CEILING NEXT ABOVE IT.

STRUCTURE. A COMPOSITION OF TWO OR MORE COMPONENT PARTS OR BUILDING MATERIAL JOINED TOGETHER IN SOME DEFINITE MANNER OR SO FABRICATED OR ASSEMBLED THAT EACH ADDS TO THE STRENGTH AND RIGIDITY OF THE OTHER IN THE FINAL ASSEMBLY. FOR THE PURPOSE OF CONSTRUING THIS CHAPTER IT SHALL INCLUDE BUILDINGS, TOWERS, CAGES FOR TRANSFORMER SUBSTATIONS, PERGOLAS, BILLBOARDS, HOUSE CARS, STEAK OVENS, TRASH BURNERS, BUT NOT EXCLUDING OTHER ASSEMBLIES OF SIMILAR TYPE WHICH ARE PERMANENTLY LOCATED ON A LOT, NOT INCLUDING POLES, FENCES AND SUCH MINOR INCIDENTAL IMPROVEMENTS.

STRUCTURAL ALTERATIONS. ANY CHANGE IN THE SUPPORTING MEMBERS OF A BUILDING, SUCH AS BEARING WALLS OR PARTITIONS, COLUMNS, BEAMS OR GIRDERS, OR ANY SUBSTANTIAL CHANGE IN THE ROOF OR IN THE EXTERIOR WALLS.

SWIMMING CLUB. A PRIVATE CLUB, A NON-PROFIT ORGANIZATION USED EXCLUSIVELY FOR ITS MEMBERSHIP FOR THE PURPOSES OF MAINTAINING AND OPERATING A SWIMMING POOL WITH SPECIFIED LIMITATIONS UPON THE NUMBER OF MEMBERS AND LIMITED TO RESIDENTS OF A BLOCK, SUBDIVISION, NEIGHBORHOOD, OR COMMUNITY OR OTHER SPECIFIED AREA OF RESIDENCE FOR THE EXCLUSIVE USE OF MEMBERS AND THEIR GUESTS.

TERRACE. AN ARTIFICIAL OR NATURAL EMBANKMENT IN THE AREA BETWEEN A BUILDING AND LOT LINE.

TRAILER CAMP. ANY LOT, LOT SITE, PLACE, AREA OR TRACT OF LAND UPON WHICH IS LOCATED, OR IT IS PLANNED TO LOCATE THREE OR MORE TRAILERS WHICH ARE OR WILL BE UNDER THE JURISDICTION OR MANAGEMENT OF ONE PERSON, OR WHICH USE OR WILL USE THE SAME SANITARY FACILITIES, UTILITIES AND/OR OTHER SERVICES, AND WHICH ARE DIVIDED INTO CAMP SITES AS OUTLINED IN TITLE 25.

YARD. THE SPACE BETWEEN THE BUILDING AND THE ADJOINING LOT LINES. THE DRAWING WHICH IS ENTITLED "HEIGHT, YARD, PARKING REGULATIONS" IS HEREBY ADOPTED BY REFERENCE AND MADE A PART OF THIS CHAPTER AS THOUGH SET OUT IN FULL IN THIS CHAPTER, AND IS INTENDED TO FURTHER CLARIFY THE DEFINITIONS AND REGULATIONS CONTAINED IN THIS CHAPTER AS TO FRONT, SIDE AND REAR YARDS UNDER VARIOUS CONDITIONS.

FRONT: THAT PORTION OF THE YARD EXTENDING ACROSS THE FRONT OF A LOT BETWEEN THE SIDE LOT LINES AND BEING MEASURED AT THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE STREET LINE AND THE FRONT BUILDING LINE, NOT INCLUDING STEPS, TERRACES, UNENCLOSED BALCONIES AND UNENCLOSED OR SCREENED PORCHES.

REAR: THAT PORTION OF THE YARD, ON THE SAME LOT WITH A BUILDING, BETWEEN THE REAR BUILDING LINE AND THE REAR LINE OF THE LOT, FOR THE FULL WIDTH OF THE LOT, PROVIDED THAT IN THOSE LOCATIONS WHERE AN ALLEY IS PLATTED IN THE REAR OF THE LOTS, HALF THE WIDTH OF THE PLATTED ALLEY MAY BE INCLUDED IN THE REAR YARD REQUIREMENT. THE DEPTH OF THE REAR YARD IS THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE REAR LOT LINE OR THE CENTER OF ALLEY IN THE REAR OF THE LOT WHERE SUCH AN ALLEY IS PLATTED, AND THE REAR OF THE MAIN BUILDING, NOT INCLUDING STEPS, UNENCLOSED BALCONIES AND UNENCLOSED PORCHES.

SIDE: THAT PORTION OF THE YARD ALONG EACH SIDE OF A BUILDING BETWEEN THE BUILDING LINE AND THE SIDE LINE OF THE LOT EXTENDING FROM THE FRONT YARD TO THE REAR YARD. THE WIDTH OF THE SIDE YARD IS THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE BUILDING LINE AND THE SIDE LOT LINE.

SECTION 2. THAT SECTION 26.04.140 OFF-STREET PARKING REGULATIONS, TITLE 26 OF THE CODE OF THE CITY OF WICHITA, KANSAS, BE AMENDED TO READ AS FOLLOWS:

26.04.140 OFF-STREET PARKING REGULATIONS. A. OFF-STREET PARKING.

1. PARKING SPACE:

- 1.1) FOR THE PURPOSE OF THIS CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD (EXCEPT THAT IN CONVERSIONS WITHIN THE ABOVE MENTIONED DISTRICTS, THE PARKING SPACE MAY OCCUPY THE EXISTING CONCRETE OR ASPHALTIC DRIVES WHEN LOCATED WITHIN THE REQUIRED FRONT YARD) NOR SHALL IT BE LOCATED CLOSER TO ANY SIDE PROPERTY LINE THAN ONE-HALF THE DISTANCE

OF THE SIDE YARD SETBACK DISTANCE (AS REQUIRED FOR MAIN STRUCTURES). PARKING SPACES SHALL BE RESERVED FOR THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.

- 1.2 FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN ACCESSORY USE TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS.
- 1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA PREVIOUSLY REQUIRED SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE AS PROVIDED IN THIS CHAPTER.
- 1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

THE TOTAL NET AREA OF PARKING SPACES REQUIRED, NOT INCLUDING AISLES, TURN AROUNDS AND INTERNAL CIRCULATION, INGRESS AND EGRESS DRIVES, SHALL BE THE TOTAL NUMBER OF SPACES REQUIRED MULTIPLIED BY TWO HUNDRED SQUARE FEET. A PLOT PLAN SHALL BE SUBMITTED TO THE SUPERINTENDENT OF CENTRAL INSPECTION FOR ANY AREA (EXCEPT PARKING FOR SINGLE-FAMILY DWELLINGS) WHICH IS TO BE USED AS OFF-STREET PARKING. THE PLOT PLAN SHALL SHOW THE ARRANGEMENT OF SUCH PARKING SPACES IN THIS AREA AND BEFORE THE SUPERINTENDENT OF CENTRAL INSPECTION SHALL ISSUE ANY BUILDING, USE OR OCCUPANCY PERMIT, HE SHALL SUBMIT SUCH PARKING PLAN TO THE TRAFFIC ENGINEER FOR APPROVAL. THE APPROVAL OF THE PARKING PLAN AND LAYOUT SHALL BE BASED ON: SUFFICIENT NUMBER OF PARKING SPACES, ADEQUATE AISLE SPACES APPROPRIATE TO THE TYPE OF DESIGN, ADEQUATE TURN AROUNDS IF NEEDED AND ADEQUATE MEANS OF INGRESS AND EGRESS. SUCH APPROVAL OF OFF-STREET PARKING AREAS SHALL BE IN ACCORD WITH THE PROVISIONS OF CHAPTER 10.16 OF THIS CODE (DRIVEWAYS AND CURB CUT REQUIREMENTS).

THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE OF BUILDING OR LAND, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, HOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR HOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL PURPOSES: RESTAURANT, PROFESSIONAL AND SERVICE FACILITIES, OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.
- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.
- 2.6 HOSPITALS, PHILANTHROPIC AND ELEMOSYNARY INSTITUTIONS. ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.
- 2.7 SCHOOLS (PRIVATE AND PUBLIC):
ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.
INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

High. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

- 2.8 FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.
- 2.9 OFFICE AND COMMERCIAL BUILDINGS, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDINGS SHALL PROVIDE ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS.)
- 2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.
- 2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY.
- 2.12 NEW AND USED CAR LOTS; TRAILER SALES LOTS; TRAILER, VEHICLE AND EQUIPMENT RENTALS LOTS. ONE SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERECTED, ESTABLISHED OR EXPANDED.

- 3.1 HOSPITALS AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.
- 3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.
- 3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.
- 3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF FIVE THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH TWENTY-FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11 AND PARAGRAPH 3. "LOADING AREA", AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.

4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE:

NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE OFF-STREET PARKING AREAS, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ANY ZONING DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION:

PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN SIX HUNDRED FEET (ALONG LINES OF PUBLIC ACCESS) FROM THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED.

3. USE:

3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.

3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.

3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

4.1 PARKING AREAS AND DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE, BUT MAY BE MORE RESTRICTIVE AS DETERMINED BY THE BOARD OF ZONING APPEALS.

4.2 PARKING AREAS SHALL HAVE ADEQUATE GUARDS TO PREVENT EXTENSION OR THE OVERHANGING OF VEHICLES BEYOND PROPERTY LINES OR PARKING SPACES; AND PARKING AREAS SHALL HAVE ADEQUATE MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.

4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO DEFLECT OR DIRECT LIGHT AWAY FROM ANY ADJACENT DWELLING DISTRICT.

4.4 A FENCE (SUCH AS SOLID-WALL MASONRY, WOOD, LOUVERED WOOD, METAL OR OTHER SIMILAR MATERIALS) SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT TO ELIMINATE THE PASSAGE OF LIGHT FROM VEHICLES AND TO PREVENT THE BLOWING OF DEBRIS. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, SUCH FENCE SHALL NOT BE HIGHER THAN FOUR FEET AND SUCH FENCE SHALL BE LOCATED WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE. FENCES ALONG SAID YARDS SHALL NOT EXTEND NEARER TO THE STREET THAN THE FRONT YARD SETBACK LINE.

4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.

4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

5. APPLICATION:

THE APPLICATION FOR THIS EXCEPTION SHALL BE ACCOMPANIED BY:

5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.

5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.

6. PERMIT REVOCABLE:

THE SUPERINTENDENT OF CENTRAL INSPECTION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE CONDITIONS AND REQUIREMENTS MADE BY THE BOARD OF ZONING APPEALS IN THE APPROVAL OF ANY OFF-STREET PARKING EXCEPTION PERMIT. THE SUPERINTENDENT OF CENTRAL INSPECTION, UPON DISCOVERY OF ANY VIOLATION OF THIS ORDINANCE OR THE CONDITIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD OF ZONING APPEALS, SHALL NOTIFY THE BOARD OF ZONING APPEALS THROUGH ITS SECRETARY AS TO SUCH VIOLATIONS. THE BOARD OF ZONING APPEALS IS HEREBY AUTHORIZED TO REVOKE THE SPECIAL PERMIT AFTER PUBLIC HEARING FOR ANY OF THE FOLLOWING REASONS:

- 6.1 FAILURE TO COMMENCE THE USE OF THE AREA WITHIN TWELVE MONTHS AFTER THE ISSUANCE OF THE PERMIT.
- 6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.
- 6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.
- 6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.

SECTION 3. THAT SAID ORIGINAL SECTION 1 OF ORDINANCE No. 26-424 OF THE CITY OF WICHITA, KANSAS, AND SECTION 28.04.149, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ARE HEREBY REPEALED.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON ITS PASSAGE AND PUBLICATION ONCE IN THE OFFICIAL CITY PAPER.

PASSED AND APPROVED AT WICHITA, KANSAS, THIS _____ DAY OF _____, 1962.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

TO: METROPOLITAN AREA PLANNING COMMISSION
FROM: L. L. LITTLE, SECRETARY DATE: SEPTEMBER 29, 1961
SUBJECT: DR 61-19 - OFF-STREET PARKING - CHURCHES

ON SEPTEMBER 26, 1961, THE BOARD OF ZONING APPEALS CONSIDERED A CASE WHERE A CHURCH DESIRED TO HAVE A PARKING LOT ON PROPERTY ACROSS THE STREET FROM THE CHURCH. THE BUILDING INSPECTION SUPERINTENDENT, PLANNING STAFF AND THE BOARD OF ZONING APPEALS HAVE ALL AGREED THAT PARKING MUST BE ON THE SAME LOT AS THE USE WHICH IT SERVES, UNLESS THE PARKING AREA IS WITHIN A ZONING CLASSIFICATION WHICH PERMITS PARKING AS A MAIN USE.

THIS PLACES CHURCHES, HOSPITALS AND OTHER ACTIVITIES IN A VERY DIFFICULT POSITION IN THAT THEY ARE NOT ALWAYS ABLE TO PROCURE LAND IMMEDIATELY ADJACENT AND CONTIGUOUS TO THEIR EXISTING STRUCTURES. IF THEY ARE NOT ABLE TO ACQUIRE LAND IMMEDIATELY ADJACENT TO PROVIDE THEIR PARKING, THEN THEY ARE PREVENTED FROM UNDERTAKING ANY EXPANSION PROGRAM.

THE BOARD OF ZONING APPEALS REQUESTED THAT THE PLANNING STAFF SUBMIT AMENDMENTS TO THE ZONING ORDINANCE WHICH WOULD PROVIDE A MEANS FOR CHURCHES, AS WELL AS OTHER USES, TO OBTAIN PARKING WITHIN A REASONABLE DISTANCE OF SUCH USE WITHOUT HAVING TO HAVE THE PROPERTY REZONED FOR PARKING LOTS. THE ATTACHMENT SETS FORTH CERTAIN CHANGES WHICH ARE SUGGESTED AS AMENDMENTS TO THE ZONING ORDINANCE. THESE CHANGES ATTEMPT TO CLARIFY THE STATUS OF OFF-STREET PARKING AS AN ACCESSORY USE AND ALSO PROVIDE SOME CLARIFICATION AS TO THE SETBACKS REQUIRED AND PARKING AREAS IN RESIDENTIAL DISTRICTS. ALSO THE MINIMUM SIZES OF PARKING SPACES ARE PROPOSED TO BE INCREASED FROM 250 SQUARE FEET TO 300 SQUARE FEET AS RECOMMENDED IN THE LOT AND PARCEL DEVELOPMENT STANDARDS REPORT. THERE ARE OTHER MINOR CHANGES IN THE GENERAL PROVISIONS FOR PARKING SUCH AS WHERE JOINT USE OF PARKING FACILITIES IS PROPOSED, THE AGREEMENT OF SUCH JOINT USE SHALL BE MADE BINDING AND SHALL BE RECORDED WITH THE REGISTER OF DEEDS. THE OTHER MAJOR CHANGE PROPOSED IS TO PROVIDE THAT THE BOARD OF ZONING APPEALS MAY GRANT OFF-STREET PARKING AREA PERMITS FOR ANY AREA WITHIN 400 FEET OF THE USE WHICH IT WILL SERVE SUBJECT TO CERTAIN DEVELOPMENT STANDARDS. THE EXISTING PROVISIONS PROVIDE FOR OFF-STREET PARKING EXCEPTIONS AND SURPLUS PARKING ONLY AND FOR PARKING LOCATED WITHIN 200 FEET OF A COMMERCIAL AND INDUSTRIAL ZONE. THE PROPOSED CHANGES SHOULD PROVIDE GREATER FLEXIBILITY FOR EXPANSION OF SCHOOLS, CHURCHES, HOSPITALS AND OTHER INSTITUTIONAL USES. IT SHOULD BE POINTED OUT, HOWEVER, THAT OFF-STREET PARKING FOR DWELLINGS MUST BE (AS IS NOW REQUIRED) LOCATED ON THE LOT ON WHICH THE DWELLING UNIT IS LOCATED.

IF THE PLANNING COMMISSION CONCURS WITH THE PROPOSED CHANGES IN PRINCIPAL, THE STAFF CAN THEN BE DIRECTED TO ADVERTISE FOR A PUBLIC HEARING ON THE MATTER AND ALSO BE DIRECTED TO FORWARD THESE PROPOSED CHANGES TO OTHER CITY DEPARTMENTS AND OTHER INTERESTED PARTIES FOR THEIR COMMENTS AND REVIEW.

L. L. LITTLE
SECRETARY

LLL/RAL:MM

28.04.140 OFF-STREET PARKING REGULATIONS. A. OFF-STREET PARKING.

A. OFF-STREET PARKING.

1. PARKING SPACE:

1.1 FOR THE PURPOSE OF THIS CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD NOR MORE THAN ONE HALF OF ANY REQUIRED SIDE YARD; EXCEPT FOR RESIDENTIAL USES ONLY WHERE PARKING MAY BE PERMITTED IN A FRONT YARD ON ANY NORMAL CONCRETE OR ASPHALTIC DRIVES. PARKING SPACES SHALL BE RESERVED FOR THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.

1.2 FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN ACCESSORY USE TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS. IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER FOR DWELLINGS BE PROVIDED OTHER THAN ON THE SAME LOT OR TRACT AS THE DWELLING.

1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERATED IN ANY MANNER SO AS ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. REQUIRED PARKING SPACE SHALL NOT INCLUDE EXISTING PARKING SPACE. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE ENCRDACHED UPON SO LONG AS MAIN BUILDING OR STRUCTURES REMAIN, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE IN CONFORMANCE WITH THIS CHAPTER.

1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

IN THE INTERPRETATION OF THE FOLLOWING REQUIREMENTS, INGRESS AND EGRESS DRIVES TO THE PARKING LOTS SHALL BE EXCLUDED. THE SPACE PER CAR SHALL BE THREE HUNDRED (300) SQUARE FEET IN ALL CASES. THERE SHALL BE PROVIDED AT THE TIME OR ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES, OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.
- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENT FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAYBE USED TO MEET NOT MORE THAN FIFTY PER CENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.
- 2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS. ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.
- 2.7 SCHOOLS (PRIVATE AND PUBLIC);
- ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.
- INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AND EMPLOYEE, AT CAPACITY.
- HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

- 2.8 PRIVATE CLUB, FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.
- 2.9 OFFICE AND COMMERCIAL BUILDINGS AS PERMITTED IN "BB", "LC", AND "C" DISTRICTS, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDING. ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "C", OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS).
- 2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.
- 2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY (WHEN LOCATED IN "LC" ONLY).
3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEAREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERECTED, ESTABLISHED, OR EXPANDED.

- 3.1 HOSPITALS AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.
- 3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.
- 3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.
- 3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF 5,000 SQUARE FEET OR MORE. ONE SPACE FOR EACH 25,000 SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

- 4.1 PARKING SPACE REQUIRED UNDER THIS SECTION A, 2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, AND 2.11, SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.
- 4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A, 2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

B. OFF-STREET PARKING EXCEPTIONS.

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE PARKING SPACES AS REQUIRED IN THIS CHAPTER, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ANY DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION.

THE PARKING AREA MUST BE PROVIDED WITHIN FOUR HUNDRED FEET OF THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE, EXCEPT THAT PUBLIC STREETS AND WAYS MAY INTERVENE BETWEEN THE LAND TO BE SERVED AND THE PARKING AREA.

3. USE:

- 3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
- 3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.
- 3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

- 4.1 THE PARKING AREA SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH, AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE BUT MAY BE GREATER AS DETERMINED BY THE BOARD OF ZONING APPEALS.

4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS AND MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.

4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO REFLECT OR DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENTIAL DISTRICT.

4.4 A SOLID WALL MASONRY-TYPE FENCE AT LEAST THREE FEET IN HEIGHT SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, THE FENCE SHALL NOT BE HIGHER THAN FOUR FEET. SUCH FENCES MUST BE LOCATED WITHIN THREE FEET OF THE SIDE OR REAR PROPERTY LINE AND WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE.

4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.

4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

5. APPLICATION:

THE APPLICATION FOR THIS EXCEPTION SHALL BE ACCOMPANIED BY:

5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.

5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.

6. PERMIT REVOCABLE:

THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:

6.1 FAILURE TO START DEVELOPMENT OR USE OF THE AREA WITHIN SIX MONTHS AFTER THE ISSUANCE OF THE PERMIT.

6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.

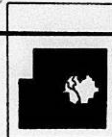
6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.

6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.

6.5 WHEN AND IF THE SPECIAL PERMIT IS REVOKED, THE OWNER OF THE AREA MUST RETURN IT TO ITS ORIGINAL UNIMPROVED CONDITION.

WICHITA-SEDGWICK COUNTY

**METROPOLITAN AREA
PLANNING
COMMISSION**



SEPTEMBER 18, 1962

BOARD OF CITY COMMISSIONERS
204 SOUTH MAIN
WICHITA, KANSAS

SUBJECT: DR 61-19 - AMENDMENTS
TO THE ZONING ORDINANCE - OFF-
STREET PARKING

GENTLEMEN:

THE METROPOLITAN AREA PLANNING COMMISSION, AT ITS REGULAR MEETING OF SEPTEMBER 6, 1962, HELD A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATING TO OFF-STREET PARKING REGULATIONS. THESE AMENDMENTS WERE INTENDED TO:

1. CLOSE LOOPHOLES RELATIVE TO CONVERSIONS FROM AN EXISTING USE TO A NEW USE WITHOUT PROVIDING OFF-STREET PARKING FOR THE NEW USE.
2. TO PROVIDE PARKING FOR REVIEW BY PROPER AUTHORITIES OF ANY PARKING PLAN TO ENSURE ITS ADEQUACY.
3. TO LIBERALIZE THE OFF-STREET PARKING EXCEPTIONS PORTION OF THE ORDINANCE ALLOWING THE BOARD OF ZONING APPEALS AUTHORITY TO GRANT SPECIAL PARKING PERMITS IN AREAS OTHER THAN NEAR COMMERCIAL ZONING DISTRICTS. THERE IS A PARTICULAR NEED FOR THIS AMENDMENT IN ORDER TO PROVIDE PARKING FOR CHURCHES AND ELEEMOSYNARY INSTITUTIONS LOCATED IN RESIDENTIAL AND OFFICE DISTRICTS.

THESE AMENDMENTS HAVE BEEN REVIEWED AND WERE PREPARED IN CONJUNCTION WITH THE PLANNING DEPARTMENT, DEPARTMENT OF PUBLIC WORKS (INCLUDING CENTRAL INSPECTION AND TRAFFIC ENGINEERING), AND THE LEGAL DEPARTMENT.

- 2 -

IT IS THE UNANIMOUS RECOMMENDATION OF THE PLANNING COMMISSION THAT THE AMENDMENT AS ATTACHED TO THIS MEMORANDUM BE ADOPTED BY THE BOARD OF CITY COMMISSIONERS AS AN AMENDMENT TO THE ZONING ORDINANCE. THE ATTACHMENT UNDERLINES ALL NEW WORDING PROPOSED IN THE ORDINANCE AND INCLUDES ALL WORDING WHICH IS TO BE DELETED AND SUCH DELETIONS HAVE DASHED LINES THROUGH THEM. SUBMITTED FOR CONSIDERATION BY THE BOARD OF COMMISSIONERS IS AN ORDINANCE MAKING EFFECTIVE THESE CHANGES. INCLUDED IN THE ORDINANCE IS ONE SECTION (A - 2.12) RELATING TO OFF-STREET PARKING REQUIREMENTS FOR NEW AND USED CAR LOTS WHICH WAS RECOMMENDED FOR APPROVAL UNDER THE SUBJECT OF DR 60-27 (AMENDMENTS RELATIVE TO NEW AND USED CAR LOTS, ETC.).

RESPECTFULLY SUBMITTED,

L. L. Little
L. L. LITTLE
SECRETARY

LLL/RAL:MM

ATTACHMENT

DR 61-19 - PROPOSED AMENDMENTS TO THE CITY ZONING ORDINANCE RELATING TO OFF-STREET PARKING REQUIREMENTS, OFF-STREET PARKING EXCEPTIONS AND DEFINITIONS.

SECTION 28.04.020 - DEFINITIONS

AMEND TO READ AS FOLLOWS:

PARKING SPACE. A SUITABLY SURFACED AREA SPACE PRIVATELY OWNED PROPERTY EITHER WITHIN OR OUTSIDE OF A BUILDING, AND SUFFICIENT IN SIZE TO STORE ONE STANDARD AUTOMOBILE. THE AREA SHALL BE NOT LESS THAN TWO HUNDRED SQUARE FEET HAVING A MINIMUM WIDTH OF 8 FEET 6 INCHES AND A MINIMUM LENGTH OF 18 FEET.

SECTION 28.04.140 - OFF-STREET PARKING REGULATIONS

A. OFF-STREET PARKING.

1. PARKING SPACE:

1.1 FOR THE PURPOSE OF THIS SECTION CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD IN THE "AA", "A", AND "RB" DISTRICTS (EXCEPT AS IN PARAGRAPH 1.2 OF THIS SECTION), AND SHALL NOT OCCUPY MORE THAN ONE HALF OF ANY REQUIRED FRONT YARD SETBACK IN THE "B" DISTRICT (EXCEPT THAT IN CONVERSIONS WITHIN THE ABOVE MENTIONED DISTRICTS, THE PARKING SPACE MAY OCCUPY THE EXISTING CONCRETE OR ASPHALTIC DRIVES WHEN LOCATED WITHIN THE REQUIRED FRONT YARD) NOR SHALL IT BE LOCATED CLOSER TO ANY SIDE PROPERTY LINE THAN ONE HALF THE DISTANCE OF THE SIDE YARD SETBACK DISTANCE (AS REQUIRED FOR MAIN STRUCTURES). SUCH PARKING SPACE, WHEN OPEN, MAY BE INCLUDED AS A PART OF A REQUIRED OPEN SPACE FOR A SIDE OR REAR YARD. PARKING SPACES SHALL BE RESERVED FOR

THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.

1.2 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. THE WORD "ADDITION" AS USED ABOVE SHALL INCLUDE ANY ALTERATION INTENDED TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. REQUIRED PARKING SPACE SHALL NOT INCLUDE EXISTING PARKING SPACE AND SUCH SPACE SHALL BE MAINTAINED AND SHALL NOT BE ENROGACHED UPON SO LONG AS MAIN BUILDING OR STRUCTURES REMAIN, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE IN CONFORMANCE WITH THIS CHAPTER. THE PARKING SPACES REQUIRED FOR DWELLINGS SHALL BE LOCATED ON THE SAME LOT OR SITE AS THE MAIN BUILDING AND THE PARKING SPACE REQUIRED FOR OTHER USES SHALL BE LOCATED WITHIN SIX HUNDRED AND SIXTY FEET OF SUCH USE, THE DISTANCE TO BE MEASURED ALONG LINES OF PUBLIC ROADS.

FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN ACCESSORY USE TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED

AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS.

1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA PREVIOUSLY REQUIRED SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE AS PROVIDED IN THIS CHAPTER.

1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

~~IN THE INTERPRETATION OF THE FOLLOWING REQUIREMENTS, INGRESS AND EGRESS DRIVES TO THE PARKING LOTS SHALL BE ENCLOSED. THE SPACE PER CAR SHALL BE TWO HUNDRED FIFTY SQUARE FEET IN ALL CASES, EXCEPT IN THE TYPE OF BUILDING, DWELLING (ONE, TWO, THREE AND FOUR FAMILY) WHERE THE SPACE PER CAR SHALL BE TWO HUNDRED SQUARE FEET.~~

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THE TOTAL NET AREA OF PARKING SPACES REQUIRED, NOT INCLUDING AISLES, TURN AROUNDS AND INTERNAL CIRCULATION, INGRESS AND EGRESS DRIVES, SHALL BE THE TOTAL NUMBER OF SPACES REQUIRED MULTIPLIED BY TWO HUNDRED SQUARE FEET. A PLOT PLAN SHALL BE SUBMITTED TO THE SUPERINTENDENT OF CENTRAL INSPECTION FOR ANY AREA (EXCEPT PARKING FOR SINGLE-FAMILY DWELLINGS) WHICH IS TO BE USED AS OFF-STREET PARKING. THE PLOT PLAN SHALL SHOW THE ARRANGEMENT OF SUCH PARKING SPACES IN THIS AREA AND BEFORE THE SUPERINTENDENT OF CENTRAL INSPECTION SHALL ISSUE ANY BUILDING, USE OR OCCUPANCY PERMIT, HE SHALL SUBMIT SUCH PARKING PLAN TO THE TRAFFIC ENGINEER FOR APPROVAL. THE APPROVAL OF THE PARKING PLAN AND LAYOUT SHALL BE BASED ON: SUFFICIENT NUMBER OF PARKING SPACES, ADEQUATE AISLE SPACES APPROPRIATE TO THE TYPE OF DESIGN, ADEQUATE TURN AROUNDS IF NEEDED AND ADEQUATE MEANS OF INGRESS AND EGRESS. SUCH APPROVAL OF OFF-STREET PARKING AREAS SHALL BE IN ACCORD WITH THE PROVISIONS OF CHAPTER 10.16 OF THIS CODE (DRIVEWAYS AND CURB CUT REQUIREMENTS).

THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE OF BUILDING OR LAND, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.

- 4A -

2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL,
TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE
OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE
FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL
PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES,

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OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.

- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED, AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.

- 2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS.
ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE
EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR
HOUR PERIOD.
- 2.7 SCHOOLS (PRIVATE AND PUBLIC):
- ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT
CAPACITY.
- INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT
CAPACITY.
- HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE
SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.
- 2.8 ~~PRIVATE-CLUB,~~ FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR
EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.
- 2.9 OFFICE AND COMMERCIAL BUILDINGS ~~AS PERMITTED IN "BB," "LC"~~
~~AND "GM-04871070,~~ INCLUDING GOVERNMENTAL, PUBLIC UTILITY
AND OTHER SIMILAR BUILDINGS, SHALL PROVIDE ONE SPACE FOR
EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "BB" AND
"LC," ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF
FLOOR AREA IN "GM" OR ONE SPACE FOR EVERY THREE EMPLOYEES IN
THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD,
WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY
THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP,
MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES,
THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR
EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS.)

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY. ~~(WHEN LOCATED IN~~
~~PLC#-ONE}~~

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERRECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITALS AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF FIVE THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH TWENTY-FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

- 4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, AND 2.11 AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.
- 4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USES

NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

I. SPECIAL PERMIT:

~~IN ORDER TO PROVIDE ADDITIONAL PARKING SPACES NOT REQUIRED IN THIS CHAPTER OFF-STREET PARKING AREAS,~~ THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN AN "AA", "A", AND "RB" ANY ZONING DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION:

THE PARKING AREA MUST BE WITHIN TWO HUNDRED FEET OF THE BOUNDARY OF AN ALLEY, WAY, YARD OR SIDE STREET OR MAY EXTEND TO THE NEXT INTERVENING STREET WHICHEVER IS THE GREATER. THE PARKING AREA MUST BE LOCATED ON THE SAME SIDE OF THE STREET AND ADJOINING OR ACROSS AN ALLEY FROM THE PROPERTY IT IS TO SERVE. PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN SIX HUNDRED FEET (ALONG LINES OF PUBLIC ACCESS) FROM THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE WITH NO INTERVENING LOTS OR PARCELS OF LAND, EXCEPT IN UNUSUAL SITUATIONS WHEN THE PARKING AREA MAY BE ACROSS THE STREET OR AROUND THE CORNER FROM THE PROPERTY IT IS TO SERVE, PROVIDED THERE ARE NO INTERVENING PARCELS OF LAND.

3. USE:

- 3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
- 3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.
- 3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

- 4.1 THE PARKING AREAS AND DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH

CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL BE IN COMPLIANCE WITH NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10:16 OF THIS CODE BUT MAY BE MORE RESTRICTIVE AS DETERMINED BY THE BOARD OF ZONING APPEALS.

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- 4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS TO PREVENT EXTENSION OR THE OVER HANGING OF VEHICLES BEYOND PROPERTY LINES OR PARKING SPACES WHERE-NEEDED; AND PARKING AREAS SHALL HAVE ADEQUATE MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.
- 4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO DEFLECT REFLECT OR DIRECT LIGHT AWAY FROM ANY THE ADJACENT DWELLING RESIDENTIAL DISTRICT.
- 4.4 A FENCE (SUCH AS SOLID-WALL MASONRY, WOOD, LOUVERED WOOD, METAL OR OTHER SIMILAR MATERIALS) SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT TO ELIMINATE THE PASSAGE OF LIGHT FROM VEHICLES AND TO PREVENT THE BLOWING OF DEBRIS. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, SUCH FENCE SHALL NOT BE HIGHER THAN FOUR FEET AND SUCH FENCE SHALL BE LOCATED WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE. FENCES ALONG SAID YARDS SHALL NOT EXTEND NEARER TO THE STREET THAN THE FRONT YARD SETBACK LINE.
- 4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.
- 4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

5. APPLICATION:

THE APPLICATION FOR THIS EXCEPTIONS SHALL BE ACCOMPANIED BY:

- 5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.
- 5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.
- 5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.

6. PERMIT REVOCABLE:

~~THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:~~
THE SUPERINTENDENT OF CENTRAL INSPECTION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE CONDITIONS AND REQUIREMENTS MADE BY THE BOARD OF ZONING APPEALS IN THE APPROVAL OF ANY OFF-STREET PARKING EXCEPTION PERMIT. THE SUPERINTENDENT OF CENTRAL INSPECTION, UPON DISCOVERY OF ANY VIOLATION OF THIS ORDINANCE OR THE CONDITIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD OF ZONING APPEALS, SHALL NOTIFY THE BOARD OF ZONING APPEALS THROUGH ITS SECRETARY AS TO SUCH VIOLATIONS. THE BOARD OF ZONING APPEALS IS HEREBY AUTHORIZED TO REVOKE THE SPECIAL PERMIT AFTER PUBLIC HEARING FOR ANY OF THE FOLLOWING REASONS:

- 6.1 FAILURE TO COMMENCE ~~START-DEVELOPMENT-OR~~ THE USE OF THE AREA WITHIN ~~8+M~~ TWELVE MONTHS AFTER THE ISSUANCE OF THE PERMIT.
- 6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.

6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.

6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.

6.5 WHEN-AND-IF-THE-SPECIAL-PERMIT-IS-REVOKED,-THE-OWNER-OF-THE
AREA-MUST-RETURN-IT-TO-ITS-ORIGINAL-UNIMPROVED-CONDITION.

From the desk of
ROBERT A. LAKIN

Ed:

WILL YOU PLEASE REVIEW THE PROPOSED AMENDMENTS CONTAINED IN THE ATTACHED THERMOFAX SHEETS RE: OFF-STREET PARKING. THIS IS THE SAME ONE THAT WE HAD UP ABOUT 6 MONTHS AGO AND DEFERRED FOR FURTHER WORK. CENTRAL INSPECTION AND THE LEGAL DEPARTMENT HAVE GONE OVER THIS WITH US AND I THINK IT IS GENERALLY ACCEPTABLE TO THEM. I KNOW OF YOUR INTEREST IN THIS MATTER AND WOULD APPRECIATE YOUR REVIEWING THIS TO SEE IF THERE SHOULD BE ANY MAJOR CHANGES MADE OR PORTIONS REWRITTEN PRIOR TO SEPTEMBER 6 AT WHICH TIME IT WILL BE ON THE MAPC AGENDA FOR PUBLIC HEARING.

Bob.
Bob



GRIPPIN PRINTING CO. - WICHITA

*Bob - OK
had a guess how
4-b. seems to need a
little clarification -
Send cc to Bob
MAPC members*

Sept 6, 1962

DR 61-19 - PROPOSED AMENDMENTS TO THE CITY ZONING ORDINANCE RELATING TO OFF-STREET PARKING REQUIREMENTS, OFF-STREET PARKING EXCEPTIONS AND DEFINITIONS.

SECTION 28.04.020 - DEFINITIONS

AMEND TO READ AS FOLLOWS:

PARKING SPACE. A SUITABLY SURFACED AREA SPACE PRIVATELY-OWNED PROPERTY EITHER WITHIN OR OUTSIDE OF A BUILDING AND SUFFICIENT IN SIZE TO STORE ONE STANDARD AUTOMOBILE. ~~THE AREA SHALL BE NOT LESS THAN TWO HUNDRED SQUARE FEET~~ HAVING A MINIMUM WIDTH OF 8 FEET 6 INCHES AND A MINIMUM LENGTH OF 18 FEET.

SECTION 28.04.140 - OFF-STREET PARKING REGULATIONS

A. OFF-STREET PARKING.

1. PARKING SPACES:

1.1 FOR THE PURPOSE OF THIS SECTION CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD IN THE R-1, R-2, AND R-3 DISTRICTS (EXCEPT AS IN PARAGRAPH 1.2 OF THIS SECTION), AND SHALL NOT OCCUPY MORE THAN ONE-HALF OF ANY REQUIRED FRONT YARD SETBACK IN THE R-4 DISTRICT (EXCEPT THAT IN CONVERSIONS WITHIN THE ABOVE MENTIONED DISTRICTS, THE PARKING SPACE MAY OCCUPY THE EXISTING CONCRETE OR ASPHALTIC DRIVES WHEN LOCATED WITHIN THE REQUIRED FRONT YARD). NOR SHALL IT BE LOCATED CLOSER TO ANY SIDE PROPERTY LINE THAN ONE HALF THE DISTANCE OF THE SIDE YARD SETBACK DISTANCE. ^(as required for main structure) SUCH PARKING SPACES WHEN OPEN, MAY BE INCLUDED AS A PART OF A REQUIRED OPEN SPACE FOR A SIDE OR REAR YARD. PARKING SPACES SHALL BE RESERVED FOR

THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.

1.2 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. THE WORD ADDITIONAL AS USED ABOVE SHALL INCLUDE ANY ALTERATION INTENDED TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA OR SEATS. REQUIRED PARKING SPACE SHALL NOT INCLUDE EXISTING PARKING SPACE AND SUCH SPACE SHALL BE MAINTAINED AND SHALL NOT BE ENROACHED UPON SO LONG AS MAIN BUILDING OR STRUCTURE REMAINS UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE IN CONFORMANCE WITH THIS CHAPTER. THE PARKING SPACES REQUIRED FOR DWELLINGS SHALL BE LOCATED ON THE SAME LOT OR SITE AS THE MAIN BUILDING AND THE PARKING SPACE REQUIRED FOR OTHER USES SHALL BE LOCATED WITHIN SIX HUNDRED AND SIXTY FEET OF EACH USE, THE DISTANCE TO BE MEASURED ALONG LINES OF PUBLIC ASSESS.

FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN ACCESSORY USE TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED

AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS.

1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA PREVIOUSLY REQUIRED SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE AS PROVIDED IN THIS CHAPTER.

1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

~~IN THE INTERPRETATION OF THE FOLLOWING REQUIREMENTS, DRIVEWAYS AND EGRESS DRIVES TO THE PARKING LOTS SHALL BE EXCLUDED. THE SPACE PER CAR SHALL BE TWO HUNDRED FIFTY SQUARE FEET IN ALL CASES, EXCEPT IN THE TYPE OF BUILDING, DWELLING (ONE, TWO, THREE AND FOUR FAMILY) WHERE THE SPACE PER CAR SHALL BE TWO HUNDRED SQUARE FEET.~~

THE TOTAL NET AREA OF PARKING SPACES REQUIRED, NOT INCLUDING
^{acres}
~~STREETS~~, TURN GROUNDS AND INTERNAL CIRCULATION, INGRESS AND EGRESS
DRIVERS, SHALL BE THE TOTAL NUMBER OF SPACES REQUIRED MULTIPLIED
BY TWO HUNDRED SQUARE FEET. A PLOT PLAN SHALL BE SUBMITTED TO
THE CENTRAL INSPECTION (SUPERINTENDENT) ^(except parking for single family dwellings)
~~FOR ANY AREA WHICH IS TO~~
^{be} USED AS OFF-STREET PARKING. THE PLOT PLAN SHALL SHOW THE
ARRANGEMENT OF SUCH PARKING SPACES IN THIS AREA, AND BEFORE THE
SUPERINTENDENT OF CENTRAL INSPECTION SHALL ISSUE ANY BUILDING OR
USE PERMIT, HE SHALL APPROVE THE LAYOUT OF THE PLOT PLAN AS TO
SUFFICIENT NUMBER OF PARKING SPACES, ADEQUATE AREA OF PARKING
SPACES, ADEQUATE AISLE SPACES APPROPRIATE TO THE TYPE OF PARKING
DESIGN, ADEQUATE TURN GROUNDS IF NEEDED, ^{and} ADEQUATE MEANS OF INGRESS
AND EGRESS.

THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT
OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE
OF BUILDING OR LAND, EXCEPT IN THE "DR" CENTRAL BUSINESS DISTRICT,
MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR
INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE
FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO
LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL,
TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE
OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE
FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL
PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES,

OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.

- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.

2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS.

ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.7 SCHOOLS (PRIVATE AND PUBLIC):

ELEMENTARY - ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

INTERMEDIATE - ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

HIGH - ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

2.8 ~~PRIVATE-CLUB~~ FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.

2.9 OFFICE AND COMMERCIAL BUILDINGS ~~AS PERMITTED IN §§§§, §§§§ AND §§§-§§§§§§~~, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDINGS, SHALL PROVIDE ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN §§§§ AND §§§§, ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA ~~IN §§§~~ OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHEREVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS.)

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY. (WHEN LOCATED IN "L6"-ONLY)

3. LOADING AREAS:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITALS AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF FIVE THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH TWENTY-FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

- 4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, AND 2.11 AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.
- 4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE:

NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

~~IN ORDER TO PROVIDE ADDITIONAL PARKING SPACES NOT REQUIRED IN THIS CHAPTER OFF-STREET PARKING AREAS,~~ THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ~~AN "A-1", "A-2", AND "R-1"~~ ANY ZONING DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION:

THE PARKING AREA MUST BE WITHIN TWO HUNDRED FEET OF THE BOUNDARY OF AN AVE, BLDG, DECK OR DECK STREET OR MAY EXTEND TO THE NEXT INTERVENING STREET WHICHEVER IS THE GREATER. THE PARKING AREA MUST BE LOCATED ON THE SAME SIDE OF THE STREET AND ADJOINING OR ACROSS AN ALLEY FROM THE PROPERTY IT IS TO SERVE. PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN SIX HUNDRED FEET (ALONG LINES OF PUBLIC ACCESS) FROM THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE, WITH NO INTERVENING LOTS OR PARCELS OF LAND, EXCEPT IN UNUSUAL SITUATIONS WHEN THE PARKING AREA MAY BE ACROSS THE STREET OR AROUND THE CORNER FROM THE PROPERTY IT IS TO SERVE, PROVIDING THERE ARE NO INTERVENING PARCELS OF LAND.

3. USE:

- 3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
- 3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.
- 3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

- 4.1 THE PARKING AREAS AND DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH

CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL BE IN COMPLIANCE WITH NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE BUT MAY BE MORE RESTRICTIVE AS DETERMINED BY THE BOARD OF ZONING APPEALS.

- 4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS TO PREVENT EXTENSION OR THE OVER HANGING OF VEHICLES BEYOND PROPERTY LINES OR PARKING SPACES WHERE-NEEDED; AND PARKING AREAS SHALL HAVE ADEQUATE MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.
- 4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO DEFLECT REFLECT OR DIRECT LIGHT AWAY FROM ANY ONE ADJACENT DWELLING RESIDENTIAL DISTRICT.
- 4.4 A FENCE (SUCH AS SOLID-WALL MASONRY, WOOD, LOUVERED WOOD, METAL OR OTHER SIMILAR MATERIALS) SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT TO ELIMINATE THE PASSAGE OF LIGHT FROM VEHICLES AND TO PREVENT THE BLOWING OF DEBRIS. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, SUCH FENCE SHALL NOT BE HIGHER THAN FOUR FEET AND SUCH FENCE SHALL BE LOCATED WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE. FENCES ALONG SAID YARDS SHALL NOT EXTEND NEARER TO THE STREET THAN THE FRONT YARD SETBACK LINE.
- 4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.
- 4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST; SUCH IMPROVEMENTS ^{may} INCLUDE BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

*only under
except here*

}
c

5. APPLICATIONS:

THE APPLICATION FOR THIS EXCEPTIONS SHALL BE ACCOMPANIED BY:

- 5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.
- 5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.
- 5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.

6. PERMIT REVOCABLES

~~THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:~~

THE SUPERINTENDENT OF CENTRAL INSPECTION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE CONDITIONS AND REQUIREMENTS MADE BY THE BOARD OF ZONING APPEALS IN THE APPROVAL OF ANY OFF-STREET PARKING EXCEPTION PERMIT. THE SUPERINTENDENT OF CENTRAL INSPECTION, UPON DISCOVERY OF ANY VIOLATION OF THIS ORDINANCE OR THE CONDITIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD OF ZONING APPEALS, SHALL NOTIFY THE BOARD OF ZONING APPEALS THROUGH ITS SECRETARY AS TO SUCH VIOLATIONS. THE BOARD OF ZONING APPEALS IS HEREBY AUTHORIZED TO REVOKE THE SPECIAL PERMIT AFTER PUBLIC HEARING FOR ANY OF THE FOLLOWING REASONS:

- 6.1 FAILURE TO COMMENCE ~~START DEVELOPMENT OR~~ THE USE OF THE AREA WITHIN ~~SIX~~ TWELVE MONTHS AFTER THE ISSUANCE OF THE PERMIT.
- 6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.

6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.

6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR, IMPOSED BY THE BOARD OF ZONING APPEALS.

6.5 ~~WHEN AND IF THE SPECIAL PERMIT IS REVOKED, THE OWNER OF THE AREA MUST RETURN IT TO ITS ORIGINAL UNIMPROVED CONDITION.~~

THE CITY OF WICHITA

OFFICE OF DIRECTOR OF PUBLIC WORKS DATE August 27, 1962



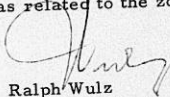
TO Robert A. Lakin, Senior Planner
FROM Ralph Wulz, Director of Public Works
SUBJECT Amendment to Zoning Ordinance--
Off-Street Parking

Your memorandum of August 14, 1962, along with a copy of the proposed amendments to the City zoning ordinance, has been reviewed and discussed with the various divisions of the Department of Public Works concerned therewith.

In reviewing this matter, I find that Chapter 10.16 of the City Code requires certain cooperation between the Central Inspection Superintendent and the City Engineer with regard to the control of curb cuts. The last sentence of the first paragraph on page four of the proposed amendment might possibly be interpreted to conflict with the driveway and curb cut sections of the Code. I would, therefore, suggest the following section to be included in the proposed re-draft of the zoning ordinance:

Cooperation between Central Inspection Superintendent and Traffic Engineer. Any plot plan submitted to the Central Inspection Superintendent for approval which includes off-street parking space shall be referred by the Central Inspection Superintendent to the Traffic Engineer for approval before a building permit is issued. (Note -- See Chapter 10.16 for driveway and curb cut requirements.)

I believe that such a provision will simplify the procedure for controlling parking space requirements as related to the zoning ordinance.


Ralph Wulz
Director of Public Works

RW:dm

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

TO MEMBERS OF THE METROPOLITAN
AREA PLANNING COMMISSION
FROM ROBERT A. LAKIN
SENIOR PLANNER
SUBJECT DR 61-19

DATE AUGUST 15, 1962

ATTACHED IS A COPY OF A PROPOSED AMENDMENT TO THE OFF-STREET PARKING REQUIREMENTS AND THE OFF-STREET PARKING EXCEPTIONS OF THE CITY ZONING ORDINANCE. AS YOU WILL REMEMBER, THIS MATTER WAS DISCUSSED BY THE COMMISSION LAST YEAR AND THE COMMISSION REQUIRED THAT ADDITIONAL WORK BE DONE ON THIS MATTER. THESE AMENDMENTS HAVE BEEN REVIEWED WITH MR. LYTTLE OF THE CENTRAL INSPECTION AGENCY AND MR. DEKKER OF THE LEGAL DEPARTMENT, AND ALL ARE IN GENERAL AGREEMENT AS TO THE PROVISIONS CONTAINED THEREIN.

THE BASIC AMENDMENT RELATES TO THE FOLLOWING:

1. TO CLOSE LOOPHOLES RELATIVE TO CONVERSIONS FROM AN EXISTING USE TO A NEW USE WITHOUT PROVIDING ADEQUATE PARKING FOR THE NEW USE.
2. TO PROVIDE FOR THE REVIEW BY PROPER AUTHORITIES OF ANY PARKING PLAN TO ENSURE ITS ADEQUACY.
3. TO LIBERALIZE THE OFF-STREET PARKING EXCEPTIONS TO ALLOW THE BOARD OF ZONING APPEALS THE AUTHORITY TO GRANT SPECIAL PARKING PERMITS IN AREAS OTHER THAN NEAR COMMERCIAL ZONING DISTRICTS. THERE IS A PARTICULAR NEED FOR THIS AMENDMENT IN ORDER TO PROVIDE PARKING FOR CHURCHES AND ELEEMOSYNARY INSTITUTIONS LOCATED IN RESIDENTIAL OR OFFICE DISTRICTS.

THIS MATTER WILL APPEAR ON THE METROPOLITAN AREA PLANNING COMMISSION AGENDA ON SEPTEMBER 6, 1962. I WOULD APPRECIATE YOUR REVIEWING THIS MATTER PRIOR TO THAT TIME AND ADVISING ME IF YOU HAVE ANY PARTICULAR QUESTIONS OR SUGGESTIONS RELATING TO THE AMENDMENT.

NOTE: THE AMENDMENT UNDERLINES ALL NEW WORDING PROPOSED AND ALL WORDING TO BE DELETED HAS A DASHED LINE THROUGH IT.

Robert A. Lakin
ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

ATTACHMENT

DR 61-19 - PROPOSED AMENDMENTS TO THE CITY
ZONING ORDINANCE RELATING TO
OFF-STREET PARKING REQUIREMENTS,
OFF-STREET PARKING EXCEPTIONS
AND DEFINITIONS.

SECTION 28.04.020 - DEFINITIONS

AMEND TO READ AS FOLLOWS:

PARKING SPACE. A SUITABLY SURFACED AREA SPACE PRIVATELY-OWNED
PROPERTY EITHER WITHIN OR OUTSIDE OF A BUILDING, AND SUFFICIENT IN
SIZE TO STORE ONE STANDARD AUTOMOBILE. THE AREA SHALL BE NOT LESS
THAN TWO HUNDRED SQUARE FEET, HAVING A MINIMUM WIDTH OF 8 FEET 6
INCHES AND A MINIMUM LENGTH OF 18 FEET.

SECTION 28.04.140 - OFF-STREET PARKING REGULATIONS

A. OFF-STREET PARKING.

1. PARKING SPACE:

1.1 FOR THE PURPOSE OF THIS SECTION CHAPTER, IN DWELLING
DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY
PART OF ANY REQUIRED FRONT YARD IN THE "AA", "A", AND "RB"
DISTRICTS (EXCEPT AS IN PARAGRAPH 1.2 OF THIS SECTION), AND
SHALL NOT OCCUPY MORE THAN ONE HALF OF ANY REQUIRED FRONT
YARD SETBACK IN THE "B" DISTRICT (EXCEPT THAT IN CONVERSIONS
WITHIN THE ABOVE MENTIONED DISTRICTS, THE PARKING SPACE MAY
OCCUPY THE EXISTING CONCRETE OR ASPHALTIC DRIVES WHEN LOCATED
WITHIN THE REQUIRED FRONT YARD), NOR SHALL IT BE LOCATED
CLOSER TO ANY SIDE PROPERTY LINE THAN ONE HALF THE DISTANCE
OF THE SIDE YARD SETBACK DISTANCE (AS REQUIRED FOR MAIN
STRUCTURES). SUCH PARKING SPACES, WHEN OPEN, MAY BE INCLUDED
AS A PART OF A REQUIRED OPEN SPACE FOR A SIDE OR REAR YARD
PARKING SPACES SHALL BE RESERVED FOR

7-26-62

THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.

1.2 ~~OFF-STREET-PARKING-SPACE-AS-REQUIRED-IN-THIS-SECTION-SHALL BE-PROVIDED-FOR-ALL-NEW-BUILDINGS-AND-STRUCTURES-AND-FOR ADDITIONS-TO-EXISTING-BUILDINGS-OR-STRUCTURES--THE-WORD "ADDITION" AS-USED-ABOVE-SHALL-INCLUDE-ANY-ALTERATION INTENDED-TO-ENLARGE-OR-INCREASE-CAPACITY-BY-ADDING-OR-CREATING-DWELLING-UNITS, GUEST-ROOMS, FLOOR-AREA, OR SEATS. REQUIRED-PARKING-SPACE-SHALL-NOT-INCLUDE-EXISTING-PARKING SPACE-AND-SUCH-SPACE-SHALL-BE-MAINTAINED-AND-SHALL-NOT-BE ENROACHED-UPON-AS-LONG-AS-MAIN-BUILDING-OR-STRUCTURES REMAIN, UNLESS-AN-EQUIVALENT-NUMBER-OF-SUCH-SPACES-ARE PROVIDED-ELSEWHERE-IN-CONFORMANCE-WITH-THIS-CHAPTER.--THE PARKING-SPACES-REQUIRED-FOR-DWELLINGS-SHALL-BE-LOCATED-ON THE-SAME-LOT-OR-SITE-AS-THE-MAIN-BUILDING-AND-THE-PARKING SPACE-REQUIRED-FOR-OTHER-USES-SHALL-BE-LOCATED-WITHIN-SIX HUNDRED-AND-SIXTY-FEET-OF-SUCH-USE, THE-DISTANCE-TO-BE MEASURED-ALONG-LINES-OF-PUBLIC-ACCESS.~~

FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN ACCESSORY USE TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED

AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS.

1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA PREVIOUSLY REQUIRED SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE AS PROVIDED IN THIS CHAPTER.

1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

~~IN THE INTERPRETATION OF THE FOLLOWING REQUIREMENTS, INGRESS AND EGRESS DRIVES TO THE PARKING LOTS SHALL BE EXCLUDED. THE SPACE PER CAR SHALL BE TWO HUNDRED FIFTY SQUARE FEET IN ALL CASES, EXCEPT IN THE TYPE OF BUILDING, DWELLING (ONE, TWO, THREE AND FOUR FAMILY) WHERE THE SPACE PER CAR SHALL BE TWO HUNDRED SQUARE FEET.~~

THE TOTAL NET AREA OF PARKING SPACES REQUIRED, NOT INCLUDING AISLES, TURN AROUNDS AND INTERNAL CIRCULATION, INGRESS AND EGRESS DRIVES, SHALL BE THE TOTAL NUMBER OF SPACES REQUIRED MULTIPLIED BY TWO HUNDRED SQUARE FEET. A PLOT PLAN SHALL BE SUBMITTED TO THE SUPERINTENDENT OF CENTRAL INSPECTION FOR ANY AREA (EXCEPT PARKING FOR SINGLE-FAMILY DWELLINGS) WHICH IS TO BE USED AS OFF-STREET PARKING. THE PLOT PLAN SHALL SHOW THE ARRANGEMENT OF SUCH PARKING SPACES IN THIS AREA, AND BEFORE THE SUPERINTENDENT OF CENTRAL INSPECTION SHALL ISSUE ANY BUILDING OR USE PERMIT, HE SHALL APPROVE THE LAYOUT OF THE PLOT PLAN AS TO: SUFFICIENT NUMBER OF PARKING SPACES, ADEQUATE AREA OF PARKING SPACES, ADEQUATE AISLE SPACES APPROPRIATE TO THE TYPE OF PARKING DESIGN, ADEQUATE TURN AROUNDS IF NEEDED, AND ADEQUATE MEANS OF INGRESS AND EGRESS.

THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE OF BUILDING OR LAND, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES,

OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.

- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED, AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.

- 2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS.
ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE
EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR
HOUR PERIOD.
- 2.7 SCHOOLS (PRIVATE AND PUBLIC):
- ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT
CAPACITY.
- INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT
CAPACITY.
- HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE
SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.
- 2.8 ~~PRIVATE-CLUBS,~~ FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR
EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.
- 2.9 OFFICE AND COMMERCIAL BUILDINGS ~~AS PERMITTED IN "BBB", "LCC"~~
~~AND "CC" DISTRICTS,~~ INCLUDING GOVERNMENTAL, PUBLIC UTILITY
AND OTHER SIMILAR BUILDINGS, SHALL PROVIDE ONE SPACE FOR
EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "BBB" AND
"LCC", ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF
FLOOR AREA ~~IN "CC"~~ OR ONE SPACE FOR EVERY THREE EMPLOYEES IN
THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD,
WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY
THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP,
MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES,
THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR
EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS.)

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY. ~~(WHEN LOCATED IN "L.C." ONLY)~~

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITALS AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF FIVE THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH TWENTY-FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, ~~AND 2.11~~ AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.

4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE:

NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE ~~ADDITIONAL-PARKING-SPACES-NOT-REQUIRED-IN THIS-CHAPTER~~ OFF-STREET PARKING AREAS, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ~~AN-"AA", "A",-AND-"RB"~~ ANY ZONING DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL ~~BE IN COMPLIANCE WITH~~ NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10:16 OF THIS CODE BUT MAY BE MORE RESTRICTIVE AS DETERMINED BY THE BOARD OF ZONING APPEALS.

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2. LOCATION:

THE PARKING AREA MUST BE WITHIN TWO HUNDRED FEET OF THE BOUNDARY OF AN ALLEY, WALK, OR DRIVEWAY OR MAY EXTEND TO THE NEXT INTERVENING STREET WHICHEVER IS THE GREATER. THE PARKING AREA MUST BE LOCATED ON THE SAME SIDE OF THE STREET AND ADJOINING OR ACROSS AN ALLEY FROM THE PROPERTY IT IS TO SERVE. PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN SIX HUNDRED FEET (ALONG LINES OF PUBLIC ACCESS) FROM THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTAINUOUS TO THE PROPERTY IT IS TO SERVE, WITH NO INTERVENING LOTS OR PARCELS OF LAND, EXCEPT IN UNUSUAL SITUATIONS WHEN THE PARKING AREA MAY BE ACROSS THE STREET OR AROUND THE CORNER FROM THE PROPERTY IT IS TO SERVE, PROVIDING THERE ARE NO INTERVENING PARCELS OF LAND.

3. USE:

- 3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
- 3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.
- 3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

- 4.1 THE PARKING AREAS AND DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH

- 4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS TO PREVENT EXTENSION OR THE OVER HANGING OF VEHICLES BEYOND PROPERTY LINES OR PARKING SPACES WHERE-NEEDED; AND PARKING AREAS SHALL HAVE ADEQUATE MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.
- 4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO DEFLECT REFLECT OR DIRECT LIGHT AWAY FROM ANY THE ADJACENT DWELLING RESIDENTIAL DISTRICT.
- 4.4 A FENCE (SUCH AS SOLID-WALL MASONRY, WOOD, LOUVERED WOOD, METAL OR OTHER SIMILAR MATERIALS) SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT TO ELIMINATE THE PASSAGE OF LIGHT FROM VEHICLES AND TO PREVENT THE BLOWING OF DEBRIS. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, SUCH FENCE SHALL NOT BE HIGHER THAN FOUR FEET AND SUCH FENCE SHALL BE LOCATED WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE. FENCES ALONG SAID YARDS SHALL NOT EXTEND NEARER TO THE STREET THAN THE FRONT YARD SETBACK LINE.
- 4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.
- 4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

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5. APPLICATION:

THE APPLICATION FOR THIS EXCEPTIONS SHALL BE ACCOMPANIED BY:

5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.

5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.

6. PERMIT REVOCABLE:

~~THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:~~

THE SUPERINTENDENT OF CENTRAL INSPECTION SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THE CONDITIONS AND REQUIREMENTS MADE BY THE BOARD OF ZONING APPEALS IN THE APPROVAL OF ANY OFF-STREET PARKING EXCEPTION PERMIT. THE SUPERINTENDENT OF CENTRAL INSPECTION, UPON DISCOVERY OF ANY VIOLATION OF THIS ORDINANCE OR THE CONDITIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD OF ZONING APPEALS, SHALL NOTIFY THE BOARD OF ZONING APPEALS THROUGH ITS SECRETARY AS TO SUCH VIOLATIONS. THE BOARD OF ZONING APPEALS IS HEREBY AUTHORIZED TO REVOKE THE SPECIAL PERMIT AFTER PUBLIC HEARING FOR ANY OF THE FOLLOWING REASONS:

6.1 FAILURE TO COMMENCE ~~START DEVELOPMENT OR~~ THE USE OF THE AREA WITHIN ~~0+X~~ TWELVE MONTHS AFTER THE ISSUANCE OF THE PERMIT.

6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.

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6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.

6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.

~~6.5 WHEN AND IF THE SPECIAL PERMIT IS REVOKED, THE OWNER OF THE AREA MUST RETURN IT TO ITS ORIGINAL UNIMPROVED CONDITION.~~

RALPH WULZ
DIRECTOR OF PUBLIC WORKS
ROBERT A. LAKIN
SENIOR PLANNER

AUGUST 14, 1962

AMENDMENT TO ZONING ORDINANCE -
OFF-STREET PARKING

ATTACHED IS A COPY OF A MEMORANDUM WHICH I HAVE SENT TO THE PLANNING COMMISSION CONCERNING AN AMENDMENT TO THE ZONING ORDINANCE. THIS CONCERNS THE OFF-STREET PARKING SECTION OF THE ORDINANCE. I HAVE REVIEWED THIS WITH GLEN LYTLE AND JOHN DEKKER AND I BELIEVE WE HAVE A WORKABLE PROVISION WITH THE AMENDMENTS.

I BELIEVE THAT PAUL GRAVES HAS SOME QUESTION, HOWEVER, CONCERNING SECTION 2 OF THE ORDINANCE, IN PARTICULAR, THAT PART ON THE FIRST ONE HALF OF PAGE 4. THIS REQUIRES THE SUBMISSION OF A PLOT PLAN TO CENTRAL INSPECTION FOR APPROVAL. GLEN LYTLE INFORMS ME THAT FROM A PRACTICAL STANDPOINT, ALL PLANS WILL BE REFERRED TO THE TRAFFIC ENGINEER FOR REVIEW. PAUL IS CONCERNED AS TO WHETHER THE PLAN SHOULD BE REFERRED DIRECTLY TO HIM FOR REVIEW AND APPROVAL RATHER THAN TO CENTRAL INSPECTION. I THINK IT IS IMPORTANT THAT WE KEEP THE COMPLEXITY OF MOVING THESE MATTERS FROM ONE SECTION TO ANOTHER AT A MINIMUM, PARTICULARLY IF IT CAN BE HANDLED AS AN ADMINISTRATIVE MATTER. POSSIBLY, WE COULD AMEND THE SECTION TO PROVIDE THAT THE SUPERINTENDENT OF CENTRAL INSPECTION WOULD HAVE TO REFER A PLOT PLAN TO THE TRAFFIC ENGINEER FOR CONSIDERATION BEFORE ISSUING THE PERMIT.

SINCE THIS IS AN INTERNAL MATTER WITHIN YOUR DEPARTMENT, I WOULD APPRECIATE HAVING YOUR ADVICE AS TO HOW YOU WOULD LIKE THE SECTION TO READ. WE WILL PRESENT YOUR COMMENTS TO THE METROPOLITAN AREA PLANNING COMMISSION AT ITS PUBLIC HEARING WITH OUR RECOMMENDATION THAT YOUR PROPOSAL BE ACCEPTED.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

ATTACHMENT

DR 61-19 - PROPOSED AMENDMENTS TO THE CITY ZONING ORDINANCE RELATING TO OFF-STREET PARKING REQUIREMENTS, OFF-STREET PARKING EXCEPTIONS AND DEFINITIONS.

SECTION 28.04.020 - DEFINITIONS

AMEND TO READ AS FOLLOWS:

PARKING SPACE. A SUITABLY SURFACED ~~AREA~~ ^{space} RECTANGULAR SPACE ON PRIVATELY OWNED PROPERTY, EITHER WITHIN OR OUTSIDE OF A BUILDING, AND SUFFICIENT IN SIZE TO STORE ONE STANDARD AUTOMOBILE. THE AREA SHALL BE NOT LESS THAN TWO HUNDRED SQUARE FEET. SUCH SPACE SHALL HAVE A MINIMUM WIDTH OF 8 FEET 6 INCHES AND A MINIMUM LENGTH OF 18 FEET.

SECTION 28.04.140 - OFF-STREET PARKING REGULATIONS

A. OFF-STREET PARKING.

1. PARKING SPACE:

1.1 FOR THE PURPOSE OF THIS SECTION ^{scattered zoning} CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD IN THE "AA", "A", AND "RB" DISTRICTS (EXCEPT AS IN PARAGRAPH 1.2 OF THIS SECTION), AND SHALL NOT OCCUPY MORE THAN ONE HALF OF ANY REQUIRED FRONT YARD SETBACK IN THE "B" DISTRICT (EXCEPT THAT IN CONVERSIONS WITHIN THE ABOVE-MENTIONED DISTRICTS, THE PARKING SPACE MAY OCCUPY THE EXISTING CONCRETE OR ASPHALT DRIVE WHEN LOCATED WITHIN THE REQUIRED FRONT YARD.) NOR MORE THAN ONE HALF OF ANY REQUIRED SIDE YARD. SUCH PARKING SPACE, WHEN OPEN, MAY BE INCLUDED AS A PART OF A REQUIRED OPEN SPACE FOR A SIDE OR REAR YARD. PARKING SPACES SHALL BE RESERVED FOR THE SOLE

USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, ~~CHURCHES~~ CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF ^{Public} ASSEMBLY MAY MAKE ARRANGMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.

1.2 ~~OFF-STREET-PARKING-SPACE-AS-REQUIRED-IN-THIS-SECTION-SHALL BE-PROVIDED-FOR-ALL-NEW-BUILDINGS-AND-STRUCTURES-AND-FOR ADDITIONS-TO-EXISTING-BUILDINGS-OR-STRUCTURES.--THE-WORD "ADDITION"-AS-USED-ABOVE-SHALL-INCLUDE-ANY-ALTERATION INTENDED-TO-ENLARGE-OR-INCREASE-CAPACITY-BY-ADDING-OR CREATING-DWELLING-UNITS,-GUEST-ROOMS,-FLOOR-AREA,-OR-SEATS. REQUIRED-PARKING-SPACE-SHALL-NOT-INCLUDE-EXISTING-PARKING SPACE-AND-SUCH-SPACE-SHALL-BE-MAINTAINED-AND-SHALL-NOT-BE ENCRoACHED-UPON-So-LoNG-As-MAIN-BUILDING-OR-STRUCTURES REMAIN,-UNLESS-AN-EQUIVALENT-NUMBER-OF-SUCH-SPACES-ARE PROVIDED-ELSEWHERE-IN-CONFORMANCE-WITH-THIS-CHAPTER.--THE PARKING-SPACES-REQUIRED-FOR-DWELLINGS-SHALL-BE-LOCATED-ON THE-SAME-LOT-OR-SITE-AS-THE-MAIN-BUILDING-AND-THE-PARKING SPACE-REQUIRED-FOR-OTHER-USES-SHALL-BE-LOCATED-WITHIN-SIX HUNDRED-AND-SIXTY-FEET-OF-SUCH-USE,-THE-DISTANCE-TO-BE MEASURED-ALONG-LINES-OF-PUBLIC-ACCESS.~~

FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN (ACCESSORY USE) TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS.

1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDING OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREAS SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE AS PROVIDED IN THIS CHAPTER.

1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

~~IN THE INTERPRETATION OF THE FOLLOWING REQUIREMENTS, INGRESS AND EGRESS DRIVES TO THE PARKING LOTS SHALL BE EXCLUDED. THE SPACE PER CAR SHALL BE TWO HUNDRED FIFTY SQUARE FEET IN ALL CASES, EXCEPT IN THE TYPE OF BUILDING, DWELLING (ONE, TWO, THREE AND FOUR FAMILY) WHERE THE SPACE PER CAR SHALL BE TWO HUNDRED SQUARE FEET.~~

250' minimum
THE TOTAL GROSS AREA OF PARKING REQUIRED, INCLUDING AISLE, TURN AROUNDS AND OTHER INTERNAL MEANS OF CIRCULATION, SHALL BE THE TOTAL NUMBER OF SPACES MULTIPLIED BY 300 SQUARE FEET PER SPACE; EXCEPT FOR SINGLE AND TWO FAMILY DWELLINGS, THE FACTOR OF 250 SQUARE FEET SHALL BE USED. INGRESS AND EGRESS DRIVES TO OFF-STREET PARKING AREAS SHALL BE EXCLUDED FROM COMPUTING GROSS PARKING AREA REQUIRED.

SHOULD PARKING BE SO LOCATED WITHIN A BUILDING OR OUTSIDE THAT EACH SPACE IS DIRECTLY ACCESSIBLE FROM A PUBLIC WAY, THE MINIMUM WIDTH SHALL BE EIGHT FEET SIX INCHES AND THE MINIMUM LENGTH SHALL BE TWENTY-ONE FEET. GROSS AREA REQUIREMENTS SHALL NOT BE APPLIED. NO PART OF A VEHICLE SHALL EXTEND INTO ANY PUBLIC WAY.

THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE OF BUILDING OR LAND, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES,

OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.

- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.
- 2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS. ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.7 SCHOOLS (PRIVATE AND PUBLIC):

ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

✓ 2.8 PRIVATE CLUB, FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.

✓ 2.9 OFFICE AND COMMERCIAL BUILDINGS AS PERMITTED IN "BB", "LC" AND "C" DISTRICTS, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDING. ^{street corners} ^{etc.} ~~ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "BB" AND "LC".~~ ^{or} ^{out} ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "C" OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS.)

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY. ~~(WHEN LOCATED IN "LC" ONLY)~~

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITALS AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF 5,000 SQUARE FEET OR MORE. ONE SPACE FOR EACH 25,000 SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, AND 2.11 AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.

4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A,2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE:

NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE ~~ADDITIONAL PARKING SPACES NOT REQUIRED IN THIS CHAPTER~~ OFF-STREET PARKING AREAS, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN AN-"AA", "A", AND "RB" ^{Zoning} ANY DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION:

~~THE PARKING AREA MUST BE WITHIN TWO HUNDRED FEET OF THE BOUNDARY OF AN "LG", "CM", "DB", "EB" OR "FB" DISTRICT OR MAY EXTEND TO THE NEXT INTERVENING STREET WHICHEVER IS THE GREATER. THE PARKING AREA MUST BE LOCATED ON THE SAME SIDE OF THE STREET AND ADJOINING OR ACROSS AN ALLEY FROM THE PROPERTY IT IS TO SERVE. PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN ^{to 60 feet along line of public access} FOUR HUNDRED FEET OF~~
^{from} THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE
~~PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE, WITH NO INTERVENING LOTS OR PARCELS OF LAND, EXCEPT IN UNUSUAL SITUATIONS WHEN THE PARKING AREA MAY BE ACROSS THE STREET OR AROUND THE CORNER FROM THE PROPERTY IT IS TO SERVE,~~

Policy

~~PROVIDING THERE ARE NO INTERVENING PARCELS OF LAND~~ ² EXCEPT THAT
PUBLIC STREETS AND WAYS MAY INTERVENE BETWEEN THE LAND TO BE
SERVED AND THE PARKING AREA.

3. Use:

- 3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
- 3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.
- 3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

- 4.1 THE PARKING AREAS AND DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL BE IN COMPLIANCE WITH NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE BUT MAY BE ^{more restrictive} GREATER AS DETERMINED BY THE BOARD OF ZONING APPEALS.

- 4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS ^{to prevent} ~~WHERE NEEDED~~ ^{extension or overlap on adjacent property lines or parking areas;} AND MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.

parking areas shall have adequate

4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO REFLECT OR DIRECT LIGHT AWAY FROM ^{de} ~~THE~~ ^{any} ADJACENT RESIDENTIAL ^{zoning} DISTRICT.

4.4 A FENCE OF SUCH NATURE ^{de} AS TO ELIMINATE THE PASSAGE OF LIGHT FROM VEHICLES AND DEBRIS (SUCH AS SOLID WALL MASONRY, WOOD, LOUVERED WOOD, METAL OR OTHER SIMILAR MATERIALS) SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY ^{residential zoning} DWELLING DISTRICT. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, THE FENCE SHALL NOT BE HIGHER THAN FOUR FEET. SUCH FENCES ^{any applicable} MUST BE LOCATED WITHIN THREE FEET OF THE SIDE OR REAR PROPERTY LINE AND WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE.

4.5 WHEN LOCATED IN A ^{residential zoning} DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.

4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

5. APPLICATION:

THE APPLICATION FOR THIS EXCEPTION SHALL BE ACCOMPANIED BY:

5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.

5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.

6. PERMIT REVOCABLES:

upon the occurrence of following & after public hearing.

THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:

- 6.1 FAILURE TO START DEVELOPMENT OR USE OF THE AREA WITHIN SIX MONTHS AFTER THE ISSUANCE OF THE PERMIT.
- 6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.
- 6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.
- 6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.
- 6.5 WHEN AND IF THE SPECIAL PERMIT IS REVOKED, THE OWNER OF THE AREA MUST RETURN IT TO ITS ORIGINAL UNIMPROVED CONDITION.

after

Enforcing to be by C.A. file a notice of failure condition.

then BZA shall be with after public hearing to revoke -

GLEN LYTLE, SUPERINTENDENT,
CENTRAL INSPECTION AGENCY
ROBERT A. LAKIN, SENIOR PLANNER

MARCH 21, 1962

PROPOSED AMENDMENTS TO CITY ZONING ORDINANCE
OFF STREET PARKING - DR 61-19

ATTACHED IS A COPY OF PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATING TO OFF STREET PARKING. THE TWO MAIN OBJECTIVES IN THIS SERIES OF AMENDMENTS IS TO FURTHER CLARIFY ENFORCEMENT PROVISIONS RELATED TO PARKING, AND TO PROVIDE GREATER FLEXIBILITY IN THE EXISTING OFF STREET PARKING EXCEPTION CLAUSE, ALLOWING THE BOARD OF ZONING APPEALS THE RIGHT TO GRANT SPECIAL PARKING PERMITS.

THIS MATTER HAS BEEN DISCUSSED SEVERAL TIMES PRIOR TO YOUR TAKING OVER THE AGENCY, AND EACH TIME SEVERAL PROBLEMS AROSE IN INTERPRETATION OF THE PROPOSED AMENDMENTS.

I HAVE SENT THIS TO THE LEGAL DEPARTMENT, ASKING THAT IT BE ASSIGNED TO SOME MEMBER OF THE STAFF SO THAT THEY MAY REVIEW THIS MATTER WITH BOTH YOUR OFFICE AND OURS PRIOR TO RE-SUBMITTING IT TO THE PLANNING COMMISSION AT A PUBLIC HEARING.

I WOULD APPRECIATE YOUR REVIEWING THESE AMENDMENTS. I WOULD BE HAPPY TO TALK TO YOU ON THIS MATTER AT YOUR CONVENIENCE.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:BER

ATTACHMENT

FRED W. ALEY, CITY ATTORNEY

MARCH 21, 1962

L. L. LITTLE, DIRECTOR OF PLANNING

DR 61-19 - OFF STREET PARKING AMENDMENTS
TO THE CITY ZONING ORDINANCE

WE HAVE PREVIOUSLY FORWARDED TO YOU A COPY OF CERTAIN PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATING TO OFF STREET PARKING. WE HAVE RECEIVED SEVERAL REQUESTS FROM INTERESTED PARTIES THAT WE PROCEED WITH THESE PROPOSED AMENDMENTS AS SOON AS POSSIBLE. THIS IS TRUE PARTICULARLY FOR TWO OR THREE CHURCH GROUPS WHO WISH TO PROCEED UNDER THE OFF STREET PARKING EXCEPTION CLAUSE AS MODIFIED IN THE PROPOSED CHANGE.

SINCE ONE OF THE MAIN OBJECTIVES IN MAKING THESE CHANGES IS TO CLARIFY CERTAIN OF THE EXISTING PROVISIONS, WE THINK IT IS IMPORTANT THAT THE LEGAL DEPARTMENT REVIEW WITH US, AND WITH THE CENTRAL INSPECTION DIVISION, THE PROPOSED CHANGES BEFORE WE TAKE THEM TO THE PLANNING COMMISSION AGAIN IN A PUBLIC HEARING.

IF YOU HAVE ASSIGNED THIS MATTER TO ONE OF YOUR STAFF, WILL YOU PLEASE ADVISE US SO THAT WE MAY CONTACT HIM AND ARRANGE AN EARLY MEETING CONCERNING THE AMENDMENTS.

ATTACHED IS A COPY OF THE PROPOSED CHANGES.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER

ATTACHMENT

SECTION 28.04.020 DEFINITIONS

PARKING SPACE. A SUITABLY SURFACED AREA ON PRIVATELY OWNED PROPERTY, EITHER WITHIN OR OUTSIDE OF A BUILDING, AND SUFFICIENT IN SIZE TO STORE ONE STANDARD AUTOMOBILE. THE AREA SHALL BE NOT LESS THAN TWO HUNDRED SQUARE FEET.

AMEND TO READ AS FOLLOWS:

PARKING SPACE. A SUITABLY SURFACED RECTANGULAR SPACE ON PRIVATELY OWNED PROPERTY, EITHER WITHIN OR OUTSIDE A BUILDING. SUCH SPACE SHALL HAVE A MINIMUM WIDTH OF 8 FEET 6 INCHES AND A MINIMUM LENGTH OF 18 FEET.

SECTION 28.04.140 - OFF-STREET PARKING REGULATIONS

AMEND TO READ AS FOLLOWS:

A. OFF-STREET PARKING

1. PARKING SPACE:

- 1.1 FOR THE PURPOSE OF THIS CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD NOR MORE THAN ONE-HALF OF ANY REQUIRED SIDE YARD. PARKING SPACES SHALL BE RESERVED FOR THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF ASSEMBLY MAY MAKE ARRANGMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.
- 1.2 FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN (ACCESSORY USE) TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS. ~~IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER FOR DWELLINGS BE PROVIDED OTHER THAN ON THE SAME LOT OR TRACT AS THE DWELLING.~~
- 1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR

CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE AS PROVIDED IN THIS CHAPTER.

1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES

THE TOTAL GROSS AREA OF PARKING REQUIRED, INCLUDING AISLE, TURN AROUNDS AND OTHER INTERNAL MEANS OF CIRCULATION SHALL BE THE TOTAL NUMBER OF SPACES MULTIPLIED BY 300 SQUARE FEET PER SPACE; EXCEPT FOR SINGLE AND TWO FAMILY DWELLINGS, THE FACTOR OF 250 SQUARE FEET SHALL BE USED. INGRESS AND EGRESS DRIVES TO OFF-STREET PARKING AREAS SHALL BE EXCLUDED FROM COMPUTING GROSS PARKING AREA REQUIRED.

SHOULD PARKING BE SO LOCATED WITHIN A BUILDING OR OUTSIDE THAT EACH SPACE IS DIRECTLY ACCESSIBLE FROM A PUBLIC WAY, THE MINIMUM WIDTH SHALL BE EIGHT FEET SIX INCHES AND THE MINIMUM LENGTH SHALL BE TWENTY-ONE FEET. GROSS AREA REQUIREMENTS SHALL NOT BE APPLIED. NO PART OF A VEHICLE SHALL EXTEND INTO ANY PUBLIC WAY.

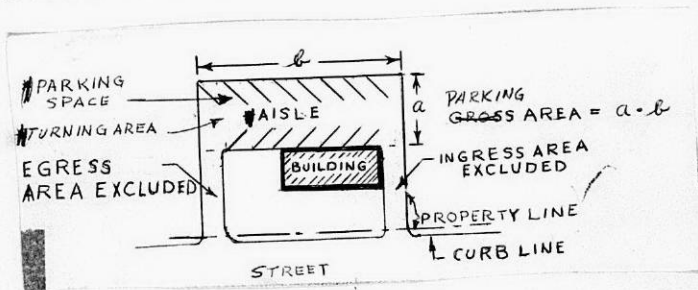


FIGURE 1
ILLUSTRATION OF AREAS INCLUDED
IN CALCULATING GROSS PARKING AREA

THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE OF BUILDING OR LAND, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES, OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.
- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTERED OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.
- 2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS. ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.7 SCHOOLS (PRIVATE AND PUBLIC):

ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

2.8 PRIVATE CLUB, FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.

2.9 OFFICE AND COMMERCIAL BUILDINGS AS PERMITTED IN "BB", "LC" AND "C" DISTRICTS, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDING. ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "C" OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS.)

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY (WHEN LOCATED IN "LG" ZONE).

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERRECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITAL AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.

- 3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF 5,000 SQUARE FEET OR MORE. ONE SPACE FOR EACH 25,000 SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

- 4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11 AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.

- 4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE: NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE OFF-STREET PARKING AREAS, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ANY DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION:

PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN FOUR HUNDRED FEET OF THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE, EXCEPT THAT PUBLIC STREETS AND WAYS MAY INTERVENE BETWEEN THE LAND TO BE SERVED AND THE PARKING AREA.

3. USE:

- 3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.

SECTION 28.04.020 DEFINITIONS

PARKING SPACE. A SUITABLY SURFACED AREA ON PRIVATELY OWNED PROPERTY, EITHER WITHIN OR OUTSIDE OF A BUILDING, AND SUFFICIENT IN SIZE TO STORE ONE STANDARD AUTOMOBILE. THE AREA SHALL BE NOT LESS THAN TWO HUNDRED SQUARE FEET.

AMEND TO READ AS FOLLOWS:

PARKING SPACE. A SUITABLY SURFACED RECTANGULAR SPACE ON PRIVATELY OWNED PROPERTY, EITHER WITHIN OR OUTSIDE A BUILDING. SUCH SPACE SHALL HAVE A MINIMUM WIDTH OF 8 FEET 6 INCHES AND A MINIMUM LENGTH OF 18 FEET.

SECTION 28.04.140 - OFF-STREET PARKING REGULATIONS

AMEND TO READ AS FOLLOWS:

A. OFF-STREET PARKING

1. PARKING SPACE:

- 1.1 FOR THE PURPOSE OF THIS CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD NOR MORE THAN ONE-HALF OF ANY REQUIRED SIDE YARD. PARKING SPACES SHALL BE RESERVED FOR THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF ASSEMBLY MAY MAKE ARRANGMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.
- 1.2 FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN (ACCESSORY USE) TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS. ~~IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER FOR DWELLINGS BE PROVIDED OTHER THAN ON THE SAME LOT OR TRACT AS THE DWELLING.~~
- 1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR

CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE AS PROVIDED IN THIS CHAPTER.

1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES

THE TOTAL GROSS AREA OF PARKING REQUIRED, INCLUDING AISLE, TURN AROUNDS AND OTHER INTERNAL MEANS OF CIRCULATION SHALL BE THE TOTAL NUMBER OF SPACES MULTIPLIED BY 300 SQUARE FEET PER SPACE; EXCEPT FOR SINGLE AND TWO FAMILY DWELLINGS, THE FACTOR OF 250 SQUARE FEET SHALL BE USED. INGRESS AND EGRESS DRIVES TO OFF-STREET PARKING AREAS SHALL BE EXCLUDED FROM COMPUTING GROSS PARKING AREA REQUIRED.

SHOULD PARKING BE SO LOCATED WITHIN A BUILDING OR OUTSIDE THAT EACH SPACE IS DIRECTLY ACCESSIBLE FROM A PUBLIC WAY, THE MINIMUM WIDTH SHALL BE EIGHT FEET SIX INCHES AND THE MINIMUM LENGTH SHALL BE TWENTY-ONE FEET. GROSS AREA REQUIREMENTS SHALL NOT BE APPLIED. NO PART OF A VEHICLE SHALL EXTEND INTO ANY PUBLIC WAY.

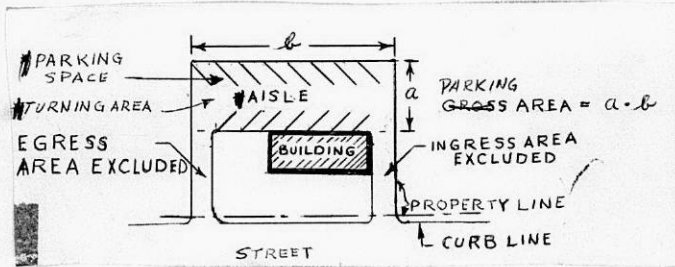


FIGURE I
ILLUSTRATION OF AREAS INCLUDED
IN CALCULATING GROSS PARKING AREA

THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE OF BUILDING OR LAND, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES, OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.
- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTERED OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.
- 2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS. ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.7 SCHOOLS (PRIVATE AND PUBLIC):

ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

2.8 PRIVATE CLUB, FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.

2.9 OFFICE AND COMMERCIAL BUILDINGS AS PERMITTED IN "BB", "LC" AND "C" DISTRICTS, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDING. ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "C" OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS.)

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY (WHEN LOCATED IN "LG" ONLY).

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITAL AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USE WITH A GROSS FLOOR AREA OF 5,000 SQUARE FEET OR MORE. ONE SPACE FOR EACH 25,000 SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11 AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.

4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE: NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE OFF-STREET PARKING AREAS, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ANY DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION:

PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN FOUR HUNDRED FEET OF THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE, EXCEPT THAT PUBLIC STREETS AND WAYS MAY INTERVENE BETWEEN THE LAND TO BE SERVED AND THE PARKING AREA.

3. Use:

3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.

3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.

3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

4.1 PARKING AREAS AND DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE BUT MAY BE GREATER AS DETERMINED BY THE BOARD OF ZONING APPEALS.

4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS AND MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.

4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO REFLECT OR DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENTIAL DISTRICT.

4.4 A FENCE OF SUCH NATURE AS TO ELIMINATE THE PASSAGE OF LIGHT FROM VEHICLES AND DEBRIS (SUCH AS SOLID WALL MASONRY, WOOD, LOUVERED WOOD, METAL OR OTHER SIMILAR MATERIALS) SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, THE FENCE SHALL NOT BE HIGHER THAN FOUR FEET. SUCH FENCES MUST BE LOCATED WITHIN THREE FEET OF THE SIDE OR REAR PROPERTY LINE AND WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE.

4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN FRONT YARD.

4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

5. APPLICATIONS:

THE APPLICATION FOR THIS EXCEPTION SHALL BE ACCOMPANIED BY:

5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.

5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.

6. PERMIT REVOCABLE:

THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:

6.1 FAILURE TO START DEVELOPMENT OR USE OF THE AREA WITHIN SIX MONTHS AFTER THE ISSUANCE OF THE PERMIT.

6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.

6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.

6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.

6.5 WHEN AND IF THE SPECIAL PERMIT IS REVOKED, THE OWNER OF THE AREA MUST RETURN IT TO ITS ORIGINAL UNIMPROVED CONDITIONS.

NOTE: THE ABOVE AMENDMENTS HAVE BEEN SLIGHTLY MODIFIED FROM THOSE ADVERTISED FOR PUBLIC HEARING AS INSTRUCTED BY THE PLANNING COMMISSION AT ITS LAST MEETING.

OFFICIAL NOTICE TO WHOM IT MAY CONCERN AND ALL INTERESTED PERSONS:

PUBLIC NOTICE IS HEREBY GIVEN THAT THE WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF THE CENTER CITY STUDY PREPARED BY THE WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT. THIS PUBLIC HEARING WILL BE HELD AT 7:00 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, ON THURSDAY, JANUARY 4, 1962.

THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF THE PLANNING DEPARTMENT ARE ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT IN ROOM 402 CITY BUILDING ANNEX, WICHITA, KANSAS. SAID FINDINGS, CONCLUSIONS AND RECOMMENDATIONS ARE CONTAINED IN THE TECHNICAL REPORT ENTITLED "CENTER CITY STUDY" DATED NOVEMBER 1, 1961, AND IN CERTAIN GRAPHIC AND TEXT DISPLAYED IN ROOM 401 AT THE ADDRESS ABOVE STATED. ALL SUCH DOCUMENTS, DISPLAYS, GRAPHS, TEXT AND MODEL ARE AVAILABLE FOR PUBLIC INSPECTION.

IN CONJUNCTION WITH AND AS A PART OF THIS PUBLIC HEARING, THE PLANNING COMMISSION WILL CONSIDER AMENDMENTS, IF NECESSARY, TO THAT PART OF THE MASTER CITY PLAN OF THE CITY OF WICHITA, KANSAS KNOWN AS "PATTERN FOR PUBLIC BUILDINGS - ADMINISTRATIVE AND CULTURAL CENTERS, WICHITA, KANSAS". THIS PORTION OF THE PUBLIC HEARING WILL BE HELD PURSUANT TO THE PROVISIONS OF SECTION 13-1109 OF THE GENERAL STATUTES OF KANSAS, 1949, AND AMENDMENTS THERETO.

SAID PUBLIC HEARING WILL BE CONFINED TO MATTERS PERTAINING TO THE CENTER CITY STUDY AND THE AMENDMENT IF NECESSARY TO THAT PORTION OF THE MASTER PLAN ENTITLED "PATTERN FOR PUBLIC BUILDINGS - ADMINISTRATIVE AND CULTURAL CENTERS, WICHITA, KANSAS" AND ALL PERSONS CONCERNED AND INTERESTED ARE INVITED TO ATTEND SAID MEETING TO EXPRESS THEIR OPINIONS ON THE MATTERS BEFORE THE PLANNING COMMISSION.

DK 61-19

FRED W. ALEY, CITY ATTORNEY

JANUARY 2, 1962

L. L. LITTLE, DIRECTOR OF PLANNING

PROPOSED AMENDMENTS TO THE CITY ZONING ORDINANCE RELATING TO OFF-STREET PARKING REQUIREMENTS, OFF-STREET PARKING EXCEPTIONS AND DEFINITIONS.

ATTACHED IS A PROPOSED AMENDMENT TO THE CITY ZONING ORDINANCE AMENDING PROVISIONS TO THE OFF-STREET PARKING REQUIREMENTS AND THE OFF-STREET PARKING EXCEPTIONS. THIS MATTER HAS BEEN DISCUSSED BY THE PLANNING COMMISSION ON SEVERAL OCCASIONS AND I BELIEVE THE COMMISSION IS AGREEABLE TO AMENDING THE ORDINANCE SUBSTANTIALLY IN THE FORM AS CONTAINED IN THE ATTACHMENT. THE PURPOSE OF THE AMENDMENT IS TO CLARIFY CERTAIN ENFORCEMENT PROVISIONS, PARTICULARLY IN VIEW OF LAND USE CONVERSIONS AND TO INCREASE THE FLEXIBILITY OF THE OFF-STREET PARKING EXCEPTIONS.

I WOULD APPRECIATE YOUR REVIEWING THE PROPOSED CHANGES AS TO THEIR CORRECTNESS AND LEGALITY SO THAT WE MAY ADVERTISE THIS MATTER ONCE AGAIN FOR PUBLIC HEARING. I WOULD APPRECIATE YOUR REPLY AS SOON AS POSSIBLE IN THAT THERE IS AN INDICATED NEED FOR QUICK ACTION ON THE OFF-STREET PARKING EXCEPTION SECTION OF THE CHANGE.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:MM
ATTACHMENT

C. L. McCaig,
BUILDING INSPECTION SUPERINTENDENT
ROBERT A. LAKIN, SENIOR PLANNER

NOVEMBER 24, 1961

OFF-STREET PARKING REGULATIONS

ATTACHED IS A REVISED DRAFT OF THE OFF-STREET PARKING REGULATIONS
AMENDMENTS WHICH APPEARED ON THE PLANNING COMMISSION AGENDA
NOVEMBER 16, 1961. THESE WILL BE ON THE AGENDA FOR DECEMBER 7.
I WOULD APPRECIATE YOUR REVIEWING THEM AND GIVING US YOUR
COMMENTS RELATIVE TO THE PROPOSAL AS IT NOW STANDS.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

DR 61-19 - PROPOSED AMENDMENT TO CITY ZONING ORDINANCE REGARDING
OFF-STREET PARKING AND OFF-STREET PARKING EXCEPTIONS.

PROPOSED AMENDMENTS ARE AS FOLLOWS:

SECTION 28.04.140 - OFF-STREET PARKING REGULATIONS

AMEND TO READ AS FOLLOWS:

A. OFF-STREET PARKING

1. PARKING SPACE:

- 1.1 FOR THE PURPOSE OF THIS CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD NOR MORE THAN ONE-HALF OF ANY REQUIRED SIDE YARD. PARKING SPACES SHALL BE RESERVED FOR THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.
- 1.2 FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN ACCESSORY USE TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING EXCEPTIONS. IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER FOR DWELLINGS BE PROVIDED OTHER THAN ON THE SAME LOT OR TRACT AS THE DWELLING.
- 1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO CHANGE ITS USE OR TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA SHALL NOT BE USED TO SATISFY REQUIRED OFF-STREET PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT BE REDUCED SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE IN CONFORMANCE WITH THIS CHAPTER.
- 1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

IN THE INTERPRETATION OF THE FOLLOWING REQUIREMENTS, INGRESS AND EGRESS DRIVES TO OFF-STREET PARKING AREAS SHALL BE EXCLUDED. THE SPACE PER CAR SHALL BE THREE HUNDRED (300) SQUARE FEET IN ALL CASES. THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, OR CHANGE OR REVISION OF USE OF BUILDING OR LAND, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACT ON THEREOF USED FOR RETAIL PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES, OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.
- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY, THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC , EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.
- 2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.
- 2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS. ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.7 SCHOOLS (PRIVATE AND PUBLIC):

ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

2.8 PRIVATE CLUB, FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.

2.9 OFFICE AND COMMERCIAL BUILDINGS AS PERMITTED IN "BB", "LC", AND "C" DISTRICTS, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDING. ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "C" OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS).

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY (WHEN LOCATED IN "LC" ONLY).

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERRECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITAL AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.

3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF 5,000 SQUARE FEET OR MORE. ONE SPACE FOR EACH 25,000 SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11 AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.

4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE: NO BUILDING OR STRUCTURE MAY BE OCCUPIED OR USED OR ANY LOT, PARCEL OR PIECE OF GROUND BE OCCUPIED OR USED UNTIL ALL OF THE OFF-STREET PARKING AND LOADING AREA IS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE OFF-STREET PARKING AREAS, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT AS AN EXCEPTION A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ANY DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION:

PARKING PROVIDED UNDER THIS SECTION MUST BE WITHIN FOUR HUNDRED FEET OF THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE, EXCEPT THAT PUBLIC STREETS AND WAYS MAY INTERVENE BETWEEN THE LAND TO BE SERVED AND THE PARKING AREA.

3. USE:

3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.

3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.

3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

4.1 THE DRIVEWAYS PROVIDING INGRESS AND EGRESS TO PARKING AREAS, AND PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE BUT MAY BE GREATER AS DETERMINED BY THE BOARD OF ZONING APPEALS.

4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS AND MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.

4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO REFLECT OR DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENTIAL DISTRICT.

4.4 A FENCE OF SUCH NATURE AS TO ELIMINATE THE PASSAGE OF LIGHT FROM VEHICLES AND DEBRIS (SUCH AS SOLID WALL MASONRY, WOOD, LOUVERED WOOD OR METAL) SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, THE FENCE SHALL NOT BE HIGHER THAN FOUR FEET. SUCH FENCES MUST BE LOCATED WITHIN THREE FEET OF THE SIDE OR REAR PROPERTY LINE AND WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE.

4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.

4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

5. APPLICATION:

THE APPLICATION FOR THIS EXCEPTION SHALL BE ACCOMPANIED BY:

5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.

- 5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.
 - 5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.
6. PERMIT REVOCABLE:

THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:

- 6.1 FAILURE TO START DEVELOPMENT OR USE OF THE AREA WITHIN SIX MONTHS AFTER THE ISSUANCE OF THE PERMIT.
- 6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.
- 6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.
- 6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.
- 6.5 WHEN AND IF THE SPECIAL PERMIT IS REVOKED, THE OWNER OF THE AREA MUST RETURN IT TO ITS ORIGINAL UNIMPROVED CONDITION.

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

TO JACK F. BEEBE, PLANNER I **DATE** NOVEMBER 24, 1961
FROM ROBERT A. LAKIN, SENIOR PLANNER
SUBJECT OFF-STREET PARKING REGULATIONS

PLEASE REVIEW THE ATTACHED REGULATIONS AND MAKE YOUR COMMENTS ON THE SHEETS. WHEN YOU FINISH, CHECK WITH ME TO REVIEW YOUR COMMENTS.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM
ATTACHMENT

OFFICIAL NOTICE

Tele

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THE 16TH DAY OF NOVEMBER, 1961, THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT 2 P.M. WILL CONSIDER THE FOLLOWING CHANGES TO TITLE 28, THE CODE OF THE CITY OF WICHITA, KANSAS:

*DR
61-?*

SECTION 28.04.140 - OFF STREET PARKING REGULATIONS

AMEND TO READ AS FOLLOWS:

A. OFF-STREET PARKING

1. PARKING SPACE:

- 1.1 FOR THE PURPOSE OF THIS CHAPTER, IN DWELLING DISTRICTS, OFF-STREET PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD NOR MORE THAN ONE-HALF OF ANY REQUIRED SIDE YARD; EXCEPT FOR RESIDENTIAL USES ONLY WHERE PARKING MAY BE PERMITTED IN A FRONT YARD ON ANY NORMAL CONCRETE OR ASPHALTIC DRIVES. PARKING SPACES SHALL BE RESERVED FOR THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.
- 1.2 FOR THE PURPOSE OF THIS CHAPTER, OFF-STREET PARKING SHALL BE CONSIDERED AS AN ACCESSORY USE TO THE USE FOR WHICH THE PARKING IS PROVIDED. PARKING NOT LOCATED ON THE SAME TRACT ON WHICH THE MAIN USE IS LOCATED MUST BE LOCATED WITHIN THE ZONING DISTRICT IN WHICH PARKING OR STORAGE LOTS ARE PERMITTED AS A MAIN USE; OR BE LOCATED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER RELATING TO OFF-STREET PARKING RELATING TO OFF-STREET PARKING EXCEPTIONS. IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER FOR DWELLINGS BE PROVIDED OTHER THAN ON THE SAME LOT OR TRACT AS THE DWELLING.
- 1.3 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. OFF-STREET PARKING SHALL BE REQUIRED FOR ANY EXISTING BUILDING OR STRUCTURE WHICH IS ALTERED IN ANY MANNER SO AS TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, GUEST ROOMS, FLOOR AREA, OR SEATS. EXISTING PARKING AREA SHALL NOT BE INCLUDED IN COMPUTING REQUIRED PARKING FOR ANY NEW STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS, STRUCTURES OR USES OF LAND. SUCH EXISTING PARKING SPACE SHALL BE MAINTAINED AND SHALL NOT

BE ENCROACHED UPON SO LONG AS MAIN BUILDING, STRUCTURE OR USE REMAINS, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE IN CONFORMANCE WITH THIS CHAPTER.

- 1.4 IN NO INSTANCE SHALL OFF-STREET PARKING REQUIRED BY THIS CHAPTER BE LOCATED MORE THAN SIX HUNDRED SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) FROM THE USE WHICH IT SERVES.

2. NUMBER AND SIZE OF SPACES:

IN THE INTERPRETATION OF THE FOLLOWING REQUIREMENTS, INGRESS AND EGRESS DRIVES TO THE PARKING LOTS SHALL BE EXCLUDED. THE SPACE PER CAR SHALL BE THREE HUNDRED (300) SQUARE FEET IN ALL CASES. THERE SHALL BE PROVIDED AT THE TIME OF ERECTION OR ENLARGEMENT OF ANY MAIN BUILDING OR STRUCTURE, EXCEPT IN THE "D" CENTRAL BUSINESS DISTRICT, MINIMUM OFF-STREET PARKING SPACES WITH ADEQUATE PROVISIONS FOR INGRESS AND EGRESS BY STANDARD SIZE AUTOMOBILES AS FOLLOWS:

- 2.1 DWELLING (ONE, TWO, THREE AND FOUR FAMILY). ONE SPACE FOR EACH HOUSEKEEPING UNIT, PLUS ONE SPACE FOR EACH TWO LODGERS OR BOARDERS.
- 2.2 HOTEL, APARTMENT BUILDING, APARTMENT HOTEL, CLUB, MOTEL, TRAILER CAMP. ONE SPACE FOR EACH HOUSEKEEPING UNIT, SUITE OF ROOMS OR MOTEL UNIT, PLUS ONE SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA OR FRACTION THEREOF USED FOR RETAIL PURPOSES; RESTAURANTS, PROFESSIONAL AND SERVICE FACILITIES, OFFICES, MEETING ROOMS, RECREATIONAL SPACES, AND SALESMAN DISPLAY ROOM FACILITIES; EXCEPT THAT SPACE DESIGNATED FOR STORAGE, CLOSET OR UTILITY USE NEED NOT BE INCLUDED IN SUCH COMPUTATION.
- 2.3 AUDITORIUMS, THEATERS, STADIUMS AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, EXCEPT CHURCHES. ONE SPACE FOR EACH FIVE SEATS BASED ON MAXIMUM SEATING CAPACITY. FOR THE PURPOSE OF THIS TYPE OF USE, PARKING SPACE ALREADY PROVIDED TO MEET OFF-STREET PARKING REQUIREMENTS FOR STORES, OFFICE BUILDINGS AND INDUSTRIAL ESTABLISHMENTS LYING WITHIN SIX HUNDRED AND SIXTY FEET (AS MEASURED ALONG LINES OF PUBLIC ACCESS) OF THE PLACE OF PUBLIC ASSEMBLY THAT ARE NOT IN USE BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT, AND ARE MADE AVAILABLE FOR OTHER PARKING, MAY BE USED TO MEET NOT MORE THAN FIFTY PERCENT OF THE TOTAL REQUIREMENTS, PROVIDING WRITTEN CONSENT OF THE OWNER OR AGENT OF SUCH EXISTING PARKING LOTS IS OBTAINED AND PROVIDED SUCH APPROVAL IS MADE BINDING ON THE OWNERS OF SUCH LAND AND SUCH APPROVAL IS FILED WITH THE REGISTER OF DEEDS AFTER HAVING FIRST BEEN APPROVED BY THE DEPARTMENT OF LAW.
- 2.4 CHURCHES. SAME AS AUDITORIUMS, ETC., EXCEPT 6:00 A.M. AND 10:00 P.M. ON SUNDAYS SUBSTITUTED FOR 6:00 P.M. AND MIDNIGHT.

2.5 DOCTOR'S OFFICE, CLINIC. ONE SPACE FOR EACH DOCTOR, NURSE, TECHNICIAN AND EMPLOYEE, PLUS ONE SPACE FOR EACH FIVE HUNDRED SQUARE FEET OF FLOOR AREA.

2.6 HOSPITALS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS. ONE SPACE FOR EACH FIVE BEDS, PLUS ONE SPACE FOR EACH FIVE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.7 SCHOOLS (PRIVATE AND PUBLIC);

ELEMENTARY. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

INTERMEDIATE. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, AT CAPACITY.

HIGH. ONE SPACE FOR EACH TEACHER AND EMPLOYEE, PLUS ONE SPACE FOR EACH TEN (10) STUDENTS AT CAPACITY.

2.8 PRIVATE CLUB, FRATERNITY AND SORORITY HOUSE. ONE SPACE FOR EACH TWO HUNDRED AND FIFTY SQUARE FEET OF FLOOR AREA.

2.9 OFFICE AND COMMERCIAL BUILDINGS AS PERMITTED IN "BB", "LC", AND "C" DISTRICTS, INCLUDING GOVERNMENTAL, PUBLIC UTILITY AND OTHER SIMILAR BUILDING. ONE SPACE FOR EACH TWO HUNDRED FIFTY SQUARE FEET OF FLOOR AREA IN "C" OR ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD, WHICHEVER IS THE GREATER. (WHENEVER A LAND AREA OF FORTY THOUSAND SQUARE FEET OR MORE IS DEVELOPED UNDER ONE OWNERSHIP, MANAGEMENT OR DIRECTION, AND WHICH AREA CONTAINS MIXED USES, THERE SHALL BE PROVIDED TWO SQUARE FEET OF PARKING SPACE FOR EACH ONE SQUARE FOOT OF GROUND OCCUPIED BY BUILDINGS).

2.10 INDUSTRIAL BUILDING. ONE SPACE FOR EVERY THREE EMPLOYEES IN THE LARGEST WORKING SHIFT IN A TWENTY-FOUR HOUR PERIOD.

2.11 MORTUARIES AND FUNERAL HOMES. ONE SPACE FOR EACH THREE SEATS BASED ON MAXIMUM SEATING CAPACITY (WHEN LOCATED IN "LC" ONLY).

3. LOADING AREA:

PERMANENTLY MAINTAINED USABLE OFF-STREET LOADING AREA OF THREE HUNDRED SQUARE FEET PER SPACE SHALL HEREAFTER BE PROVIDED ON THE SAME LOT WHEN STRUCTURES FOR THE FOLLOWING USES ARE ERECTED, ESTABLISHED OR EXPANDED.

3.1 HOSPITALS AND INSTITUTIONS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH THREE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF, EXCLUSIVE OF AMBULANCE SPACE.

- 3.2 HOTELS AND OFFICE BUILDINGS WITH A GROSS FLOOR AREA OF TEN THOUSAND SQUARE FEET OR MORE. ONE SPACE FOR EACH ONE HUNDRED THOUSAND SQUARE FEET OR FRACTION THEREOF.
- 3.3 UNDERTAKERS AND FUNERAL PARLORS. ONE SPACE FOR EACH FIVE THOUSAND SQUARE FEET OR FRACTION THEREOF.
- 3.4 ALL OTHER COMMERCIAL AND INDUSTRIAL USES WITH A GROSS FLOOR AREA OF 5,000 SQUARE FEET OR MORE. ONE SPACE FOR EACH 25,000 SQUARE FEET OR FRACTION THEREOF FOR THE FIRST ONE HUNDRED THOUSAND SQUARE FEET. ONE ADDITIONAL SPACE FOR EACH FIFTY THOUSAND SQUARE FEET OR FRACTION THEREOF MORE THAN ONE HUNDRED THOUSAND SQUARE FEET.

4. IMPROVEMENTS:

- 4.1 ALL OFF-STREET PARKING SPACE AND LOADING AREAS REQUIRED UNDER THIS SECTION, A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPHS 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11 AND PARAGRAPH 3, "LOADING AREA", AND ALL DRIVEWAYS PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING.
- 4.2 PARKING AREAS AS REQUIRED UNDER THIS SECTION A.2, "NUMBER AND SIZE OF SPACES", PARAGRAPH 2.1, SHALL BE PAVED OR OTHERWISE SURFACED WITH AN ALL-WEATHER SURFACE TREATED TO PREVENT DUST.

5. OCCUPANCY OF BUILDINGS OR USE:

NO BUILDING, STRUCTURE MAY BE OCCUPIED OR ANY LOT, PARCEL OR PIECE OF GROUND BE USED UNDER THE OFF-STREET PARKING AND LOADING AREA AS PROVIDED AS REQUIRED BY THIS CHAPTER.

B. OFF-STREET PARKING EXCEPTIONS

1. SPECIAL PERMIT:

IN ORDER TO PROVIDE PARKING SPACES AS REQUIRED IN THIS CHAPTER, THE BOARD OF ZONING APPEALS MAY, AFTER PUBLIC NOTICE AND HEARING, GRANT A SPECIAL PERMIT FOR THE ESTABLISHMENT OF PARKING AREAS IN ANY DISTRICT UNDER THE PROVISIONS FURTHER SET FORTH IN THIS SECTION.

2. LOCATION

THE PARKING AREA MUST BE PROVIDED WITHIN FOUR HUNDRED FEET OF THE BOUNDARY OF THE USE FOR WHICH THE PARKING IS PROVIDED. THE PARKING AREA MUST BE CONTIGUOUS AND CONTINUOUS TO THE PROPERTY IT IS TO SERVE, EXCEPT THAT PUBLIC STREETS AND WAYS MAY INTERVENE BETWEEN THE LAND TO BE SERVED AND THE PARKING AREA.

3. Use:

- 3.1 THE PARKING AREA SHALL BE USED FOR PASSENGER VEHICLES ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
- 3.2 ONLY SUCH SIGNS AS ARE NECESSARY FOR THE PROPER OPERATION OF THE PARKING LOT SHALL BE PERMITTED.
- 3.3 IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES PROVIDED HEREUNDER.

4. IMPROVEMENTS:

- 4.1 THE DRIVEWAYS PROVIDING INGRESS AND EGRESS TO PARKING AREAS, AND PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH, AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE BUT MAY BE GREATER AS DETERMINED BY THE BOARD OF ZONING APPEALS.
- 4.2 PARKING AREAS SHALL HAVE ADEQUATE BUMPER GUARDS AND MARKINGS FOR CHANNELIZATION AND MOVEMENT OF VEHICLES.
- 4.3 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO REFLECT OR DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENTIAL DISTRICT.
- 4.4 A SOLID WALL MASONRY-TYPE FENCE AT LEAST THREE FEET IN HEIGHT SHALL BE ERECTED ALONG ANY PROPERTY LINE ADJACENT TO OR ADJOINING ANY DWELLING DISTRICT. WHENEVER A FENCE SHALL BE REQUIRED ALONG A FRONT YARD, THE FENCE SHALL NOT BE HIGHER THAN FOUR FEET. SUCH FENCES MUST BE LOCATED WITHIN THREE FEET OF THE SIDE OR REAR PROPERTY LINE AND WITHIN ONE FOOT OF THE FRONT YARD SETBACK LINE.
- 4.5 WHEN LOCATED IN A DWELLING DISTRICT, PARKING SHALL NOT BE LOCATED WITHIN A FRONT YARD.
- 4.6 THE BOARD OF ZONING APPEALS SHALL DETERMINE THE NECESSARY IMPROVEMENTS IN ORDER TO PROTECT ADJACENT PROPERTY OWNERS AND THE PUBLIC INTEREST. SUCH IMPROVEMENTS SHALL INCLUDE, BUT NOT BE RESTRICTED TO PROPER SETBACKS, SCREENING WALL, GRASS, SHRUBS, TREES AND MAINTENANCE.

5. APPLICATION:

THE APPLICATION FOR THIS EXCEPTION SHALL BE ACCOMPANIED BY:

- 5.1 AN ATTORNEY'S OPINION OR OTHER SUITABLE EVIDENCE CERTIFYING AS TO THE OWNERSHIP OF THE PROPERTY OR THE EXISTENCE OF A VALID LEASE, BY THE APPLICANT.
- 5.2 A PLOT PLAN SHOWING THE PROPOSED PLAN OF THE IMPROVEMENTS AND ANY OTHER INFORMATION SHOWING THE APPLICANT'S INTENTION TO COMPLY WITH THE PROVISIONS OF THIS SECTION.
- 5.3 CERTIFIED LIST OF ALL PROPERTY OWNERS WITHIN A RADIUS OF TWO HUNDRED FEET OF THE PROPOSED AREA TO BE USED.
6. PERMIT REVOCABLE:
THE SPECIAL PERMIT IS REVOCABLE FOR ANY OF THE FOLLOWING REASONS:
 - 6.1 FAILURE TO START DEVELOPMENT OR USE OF THE AREA WITHIN SIX MONTHS AFTER THE ISSUANCE OF THE PERMIT.
 - 6.2 ABANDONMENT OF THE AREA FOR PARKING PURPOSES FOR SIX MONTHS.
 - 6.3 FAILURE TO PROPERLY MAINTAIN THE PREMISES.
 - 6.4 FAILURE TO COMPLY WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, OR IMPOSED BY THE BOARD OF ZONING APPEALS.
 - 6.5 WHEN AND IF THE SPECIAL PERMIT IS REVOKED, THE OWNER OF THE AREA MUST RETURN IT TO ITS ORIGINAL UNIMPROVED CONDITION.

THE ABOVE PROPOSED AMENDMENT WILL BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AT THE TIME AND PLACE ABOVE STATED, AND ALL PERSONS INTERESTED IN SAID MATTER WILL BE HEARD AT THAT TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES; AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED CHANGE TO THE REVISED ZONING ORDINANCE WILL BE CONSIDERED BY THE COMMISSION AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 10TH DAY OF OCTOBER, 1961.

(SEAL)

L. L. LITTLE, SECRETARY
WICHITA-SEDGWICK COUNTY METRO-
POLITAN AREA PLANNING COMMISSION

DR-61-19

BUILDING INSPECTION

November 8, 1961

Ralph Wulz, Director of Public Works

C. L. McCaig, Acting Superintendent of Building Inspection

Off-Street Parking Requirements
for Churches

Mr. Lakin and I have discussed this general problem and I believe that we concur in principle on the same interpretation.

The section of ordinance in question reads in part--Section 28.04.140 A 1.2, "Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. The word "addition" as used above shall include any alteration intended to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Required parking space shall not include existing parking space and such space shall be maintained and shall not be encroached upon so long as main building or structures remain, unless an equivalent number of such spaces are provided elsewhere...."

This particular referenced job, BZ10-61, had not been formulated completely at the hearing of the Board of Zoning Appeals. In case BZ11-61 the applicant was granted off-street parking across the street from their proposed church. Mr. Alkire made the statement at the hearing that they did not know if they would build a totally new sanctuary and take the old church for sunday school rooms or add to the old sanctuary.

If they build a new sanctuary, I can see no other interpretation but that the off-street parking would be determined by the number of seats divided by five. If, however, they added to the sanctuary, it would appear that additional off-street parking should be provided on the ratio of 1 space to 5 seats added. They do not have enough off-street parking space--as I understand it--for the present seating capacity. However, they are legal non-conforming so that which they have must be maintained and more added as stated above.

This may be, and probably is, more severe than some of Mr. Maple's decisions as at times he would give credit for seats in a non-conforming building whether they had any off-street parking or not.

I believe there is a little leeway for interpretation by authority of Sec. 28.04.010 B of the City Code but in the interest of good administration and public opinion, we should all be giving out interpretations on a single policy and I welcome any togetherness.

C. L. McCaig
Acting Superintendent of Building Inspection

CLMc:ml

*Approved
11-8-61
Wulz*

